

**ORANGE COUNTY PLANNING DEPARTMENT
131 W. MARGARET LANE, SUITE 201
HILLSBOROUGH, NORTH CAROLINA 27278**



**AGENDA
ORANGE COUNTY PLANNING BOARD**

**ORANGE COUNTY WEST CAMPUS OFFICE BUILDING
131 WEST MARGARET LANE – LOWER LEVEL CONFERENCE ROOM (ROOM #004)
HILLSBOROUGH, NORTH CAROLINA 27278
Wednesday, April 1, 2015**

Regular Meeting – 7:00 pm (may begin a few minutes later if the Ordinance Review Committee [ORC] meeting – which begins at 6:30 – runs longer than expected)

No.	Page(s)	Agenda Item
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1. **CALL TO ORDER**

2. **INFORMATIONAL ITEMS**

3-4 a. Planning Calendar for April and May – to be discussed: is this information helpful? There is a staffing change happening in the Department and unless the Planning Board wants to see these calendars each month, this information may stop being produced. The genesis of the calendar was so special Planning Board meeting dates could be chosen back when the Comprehensive Plan and the Buckhorn Village projects were being worked on because many special meetings were necessary.

3. **5-8 APPROVAL OF MINUTES**
March 4, 2015 Regular Meeting

4. **CONSIDERATION OF ADDITIONS TO AGENDA**

5. **PUBLIC CHARGE**
Introduction to the Public Charge

The Board of County Commissioners, under the authority of North Carolina General Statute, appoints the Orange County Planning Board (OCPB) to uphold the written land development laws of the County. The general purpose of OCPB is to guide and accomplish coordinated and harmonious development. OCPB shall do so in a manner which considers the present and future needs of its residents and businesses through efficient and responsive process that contributes to and promotes the health, safety, and welfare of the overall County. The OCPB will make every effort to uphold a vision of responsive governance and quality public services during our deliberations, decisions, and recommendations.

Public Charge

The Planning Board pledges to the residents of Orange County its respect. The Board asks its residents to conduct themselves in a respectful, courteous manner, both with the Board and with fellow residents. At any time, should any member of the Board or any resident fail to observe this public charge, the Chair will ask the offending member to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair

No.	Page(s)	Agenda Item
		will recess the meeting until such time that a genuine commitment to this public charge is observed.
6.		CHAIR COMMENTS
7.	9-76	<p>2030 COMPREHENSIVE PLAN AND UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS: To review changes that have been made to the proposed UDO text amendment to establish a zoning program commonly referred to as Agricultural Support Enterprises (ASE) within the Rural Buffer land use classification and to make a recommendation to the BOCC on the revised text amendment. This item was heard at the February 24, 2014 quarterly public hearing and the proposal was recommended for approval by the Planning Board at the May 7, 2014 Planning Board meeting.</p> <p>Presenter: Perdita Holtz, Planning Systems Coordinator</p>
8.		<p>COMMITTEE/ADVISORY BOARD REPORTS</p> <ul style="list-style-type: none"> a. Board of Adjustment b. Orange Unified Transportation
9.		ADJOURNMENT

IF AN EMERGENCY OCCURS, OR IF YOU ARE RUNNING LATE FOR THE MEETING, PLEASE LEAVE A VOICE MAIL FOR PERDITA HOLTZ (919-245-2578).

April 2015

April 2015

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May 2015

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	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Mar 29 - Apr 4	Mar 29	30	31	Apr 1	2	3	4
				7:00pm *PLANNING BOARD MEETING (West Campus Office Bldg)	HOLIDAY		
Apr 5 - 11	5	6	7	8	9	10	11
			7:00pm BOCC Reg Meeting (Whitted Bldg)		7:00pm BOCC Budget Work Session (Southern Human Services)		
Apr 12 - 18	12	13	14	15	16	17	18
		7:30pm Board of Adjustment (West Campus Office Bldg)	5:30pm BOCC/Advisory Board Dinner' Meeting (Southern Human Services) 7pm BOCC Work Session (Southern Human Services)				
Apr 19 - 25	19	20	21	22	23	24	25
			7:00pm BOCC Reg Meeting (Southern Human Services)				
Apr 26 - May 2	26	27	28	29	30	May 1	2

*Planning Board Member Attendance Required

May 2015

May 2015							June 2015						
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	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Apr 26 - May 2	Apr 26	27	28	29	30	May 1	2
May 3 - 9	3	4	5	6	7	8	9
			7:00pm BOCC Reg Meeting (Whitted Bldg)	7:00pm *Planning Board Meeting (West Campus Office Bldg)			
May 10 - 16	10	11	12	13	14	15	16
		7:30pm Board of Adjustment (West Campus Office Bldg)	7:00pm BOCC Work Session (Southern Human Services)		7:00pm BOCC Budget Work Session (Whitted Bldg.)		
May 17 - 23	17	18	19	20	21	22	23
			7:00pm BOCC Reg Meeting (Southern Human Services)		7:00pm BOCC Budget Public Hearing (Whitted Bldg.)		
May 24 - 30	24	25	26	27	28	29	30
			7:00pm *Quarterly Public Hearing (Whitted Bldg.)		7:00pm BOCC Budget Public Hearing (Southern Human Services)		
May 31 - Jun 6	31	Jun 1	2	3	4	5	6

*Planning Board Member Attendance Required

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MINUTES
ORANGE COUNTY PLANNING BOARD
MARCH 4, 2015
REGULAR MEETING

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MEMBERS PRESENT: Peter Hallenbeck (Chair), Cheeks Township Representative; Lisa Stuckey (Vice-Chair), Chapel Hill Township Representative; Maxecine Mitchell, At-Large Bingham Township; Herman Staats, At-Large, Cedar Grove Township; James Lea, Cedar Grove Township Representative; Tony Blake, Bingham Township Representative; Laura Nicholson, Eno Township Representative; Paul Guthrie, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Bryant Warren, Hillsborough Township Representative; Lydia Wegman-At-Large Chapel Hill Township;

MEMBERS ABSENT: Andrea Rohrbacher, At-Large Chapel Hill Township;

STAFF PRESENT: Craig Benedict, Planning Director; Perdita Holtz, Special Projects Coordinator; Michael Harvey, Current Planning Supervisor; Tina Love, Administrative Assistant II;

OTHERS PRESENT: Tim and Ruth Sukow, Joe Forrest, Doug Efland, Marsha Efland, Lindsay and Knox Efland

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

AGENDA ITEM 2: INFORMATIONAL ITEMS

- a) Planning Calendar for March and April
- b) JPA Public Hearing item for March 26, 2015 (initiated by Town of Chapel Hill) scheduled for May Planning Board meeting for a recommendation.

Perdita Holtz: The Town of Chapel Hill pulled their application because they need to iron out details and it wouldn't have been ready in time so we are going to wait until October's Joint Planning Hearing.

AGENDA ITEM 3: APPROVAL OF MINUTES
FEBRUARY 4, 2015 REGULAR MEETING

Tina Love: There were two minor corrections submitted by via email by Tony that are highlighted in yellow.

MOTION by Lisa Stuckey to approve the February 4, 2014 Planning Board minutes with corrections. Seconded by Tony Blake.

VOTE: UNANIMOUS

AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA

AGENDA ITEM 5: PUBLIC CHARGE

Introduction to the Public Charge
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 57 citizens to conduct themselves in a respectful, courteous manner, both with the Board and with
 58 fellow citizens. At any time, should any member of the Board or any citizen fail to observe this
 59 public charge, the Chair will ask the offending member to leave the meeting until that individual
 60 regains personal control. Should decorum fail to be restored, the Chair will recess the meeting
 61 until such time that a genuine commitment to this public charge is observed.
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63 **AGENDA ITEM 6: CHAIR COMMENTS**
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65 **AGENDA ITEM 7: COMPREHENSIVE PLAN, UNIFIED DEVELOPMENT ORDINANCE, AND ZONING ATLAS AMENDMENTS:**
 66 To make a recommendation to the BOCC on government-initiated amendments that would
 67 establish two new zoning overlay districts in the Efland area. This item was heard at the
 68 February 24, 2014 quarterly public hearing and the Planning Board received an update on the
 69 topic at its February 4, 2015 meeting.
 70 **Presenter:** Perdita Holts, Special Projects Coordinator
 71

72 *Perdita Holtz reviewed the item and background.*
 73

74 Paul Guthrie: On page 22 in the middle, second paragraph, what is your definition of "high quality development"?
 75

76 Perdita Holtz: It was something talked about as part of the small area plan process and wanting to ensure that we
 77 didn't end up with a preponderance of metal or cinderblock buildings and the regulations that pertain to internal
 78 pedestrian systems, etc. that all add up to what we would term "high quality development".
 79

80 Pete Hallenbeck: If you look at the proposed amendments, you talk about community character and the Planning
 81 Department will take pictures of buildings to have something to look back on when you are making that somewhat
 82 subjective call. Your point is well taken but there will be enough recorded for someone to look at that and say, "how
 83 did that happen?"
 84

85 Craig Benedict: Some of the differences are that we had a lot more mandates about how development should occur
 86 very prescriptive but it did mention high quality development. That is subjective but we are creating a mandate and
 87 that didn't go together so now we are creating something that is feasible.
 88

89 Pete Hallenbeck: I am happy with the development and the community involvement.
 90

91 **MOTION** by Laura Nicholson to approve amendments as presented by staff. Seconded by Lisa Stuckey.
 92

93 **VOTE: UNANIMOUS**
 94

95 *Craig Benedict reviewed the history of this project for the new members.*
 96

97 Paul Guthrie: This is a good case study about how we deal with changes in this county. This whole county over the
 98 next 50 years will urbanize tremendously so this kind of issue will come up over time and some time when the
 99 planning staff catches their breath, they may want to strategize the process so we won't have to reinvent the wheel
 100 each time.

101 Pete Hallenbeck: A lot of those steps are underway. The UDO is not perfect or light reading but a lot better. There
 102 is progress here. What happened in Efland will set a lot of precedence.
 103

104 **AGENDA ITEM 8 DISCUSSION ITEMS:** Planning Staff will present information on the following items and receive
 105 feedback from the Planning Board:
 106 a. Impervious Surface Issues currently being discussed with the state
 107 b. Zoning Code Enforcement in and around the Economic Development Districts
 108 c. Sexually Oriented Businesses

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Michael Harvey updated on issues the County staff is dealing with on impervious surface issues.

Tony Blake: We just went through this with the fire department at White Cross. The water garden required an easement. We didn't know that until after we had completed everything so we had to pay for a second full survey of the property. My suggestion would be that if you are going to reference BMPs and the DENR in the UDO, you need to make that clear. The second issue was you said something that peaked my interest, what watershed is this property that is complaining?

Michael Harvey: University Lake Protected. It is the most protected watershed in the County.

Craig Benedict: Our rules are more restrictive than the state requires. Discussed the example of Cain Creek.

Tony Blake: When you do this transfer between two lots that has to be deeded?

Michael Harvey: If you are talking about the conservation easement, you have to record the easement deed language in the Register of Deeds formalizing the transfer yes.

Tony Blake: Why isn't the quarry in here?

Craig Benedict: It may when the operation is complete.

Paul Guthrie: How do you interlock your analysis with waste disposal, septic systems, etc.?

Craig Benedict: We have been looking at that with Environmental Health because part of the water quality that runs off lots is due to the nutrients that come off based on the impervious surface.

Lydia Wegman: Can you help me understand why the County would want to change to the state?

Craig Benedict: You could put more impervious. It would create more tax base. And there are water quality issues. The less the better, impervious surface.

Tony Blake: Isn't most of the effect downstream?

Craig Benedict: The question you ask may be asked by the BOCC and some of the members of the community. Someone will need to show the benefits.

Tony Blake: The state is not suggesting that you get rid of the more restrictive requirements?

Michael Harvey: The state isn't mandating we do anything with respect to this item but there has been legislation that has been reviewed at the state level basically indicating local governments cannot be more restrictive than the state allows. The state is also considering modifying its definition of built upon area which translates to impervious surface. State officials are looking to add gravel areas, that are compacted to serve as vehicular access roads, to the definition of built upon area thereby making them count as impervious.

Tony Blake: How does an easement affect this? Does that count against my impervious surface?

Michael Harvey: Yes.

Lisa Stuckey: Is there a social cost in terms of affordable housing, it makes it more expensive.

Michael Harvey: I don't know if it is the impervious limit in any watershed that creates a higher cost for the development of housing. It is the totality of the regulations. One example would be University Lake. There is a density limit indicating you can only have a specific number of units per acre, specifically 1 unit for every 5 acres of

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163 property. I think that has more of a dramatic impact on the price of land versus a limit on the amount of impervious
164 surface area.

165
166 Laura Nicholson: What is the frequency of these requests?
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168 Michael Harvey: I get one or two a year.
169

170 Lydia Wegman: Has DENR or DEPR said anything about the effect of this change on water quality?
171

172 Michael Harvey: DEPR has not been involved because we haven't gotten any direction from elected officials?
173

174 *Craig Benedict reviewed information on zoning code enforcement in and around the Economic Development*
175 *Districts.*

176
177 Lydia Wegman: Would that be a change to the UDO or state legislation?
178

179 Craig Benedict: It may be both. If we can do it within the UDO we will.
180

181 Tony Blake: Could you try a carrot approach and offer a tax break and allow the fire department to burn down these
182 houses?
183

184 Craig Benedict: We have spoken to a few people and are surprised they have not taken the offer. It is likely they
185 want to sell the property.
186

187 *Michael Harvey reviewed sexually oriented businesses*
188

189 Michael Harvey: We have printed a 1988 document prepared by the Institute of Government. It is still timely and
190 more offers more definitive comments on the regulation of sexually oriented businesses. We technically don't allow
191 sexually oriented businesses, which is illegal. We cannot simply ban these uses but we can regulate them. From a
192 zoning standpoint, you will one of the main tools utilizing is a separation requirement of sexually oriented businesses
193 from identified sensitive uses. One area of concern from the county attorney's office is that we must ensure our
194 regulations deal with the notion that if you have a legally established sexual oriented business and a sensitive land
195 use moves next door, it does not make that business non-conforming. We have gone as long as we can without
196 tackling this issue. This amendment will involve licensing and a zoning component.
197

198 Paul Guthrie: There are some legal actions going on with regards to the constitutionality of limiting where sexual
199 offenders can live. You may want to make sure they are keeping an eye on what is going on in the federal court.
200

201 Michael Harvey: Sexual offender registry issues are not germane to this.
202

203 Paul Guthrie: There is a case making its way through the federal system now that may make it to the Supreme
204 Court.
205

206 Michael Harvey: We will take you through a process that will require the elected officials and Planning Board to
207 make reference to studies and findings.
208

- 209 **AGENDA ITEM 10: COMMITTEE/ADVISORY BOARD REPORTS:**
210 a. Board of Adjustment
211 b. Orange Unified Transportation
212

213 **AGENDA ITEM 11: ADJOURNMENT:**
214

215 **MOTION** by Bryant Warren to adjourn. Seconded by Tony Blake.
216 **VOTE: UNANIMOUS**

**ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: April 1, 2015

**Action Agenda
Item No. 7**

SUBJECT: Comprehensive Plan and Unified Development Ordinance Text Amendments for Agricultural Support Enterprises Within the Rural Buffer Land Use Classification

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

Yes

ATTACHMENT(S):

1. Comprehensive Plan/UDO Amendment Outline Form (UDO/Zoning 2013-10)
2. Statement of Consistency
3. Proposed UDO and Comprehensive Plan Text Amendments
4. February 24, 2014 Quarterly Public Hearing Minutes
5. Resolutions Adopted by the Towns of Carrboro and Chapel Hill

INFORMATION CONTACT:

Perdita Holtz, 919-245-2578
Craig Benedict, 919-245-2592

PURPOSE: To make a recommendation to the BOCC on Planning Director initiated text amendments to the Comprehensive Plan and Unified Development Ordinance to implement a program commonly referred to as "Agricultural Support Enterprises" within the Rural Buffer land use classification.

BACKGROUND: The form in Attachment 1 contains additional information and analysis regarding these County initiated amendments that will implement a program that has been in development since 2001. The Planning Board previously recommended approval of the amendments at its May 7, 2014 meeting (agenda and minutes available at: <http://orangecountync.gov/planning/planningboard.asp>).

As has been indicated throughout this process, amendments to the Joint Planning Land Use Plan and Agreement are necessary before the County can adopt implementing regulations to its Unified Development Ordinance (UDO). The Towns of Carrboro and Chapel Hill have approved Resolutions endorsing amendment of the Joint Planning documents (see Attachment 5) and which contain recommendations regarding the UDO amendments. The recommendations made by the Towns have been incorporated into the amendment package contained in Attachment 3. Staff is bringing this item back to the Planning Board for two reasons:

1. To allow for Planning Board review of the changes to the text that have been made in response to the Towns' recommendations (these are indicated in **green text** in the amendment package in Attachment 3).
2. Since the Planning Board's previous recommendation, the requirement for a formal Statement of Consistency (Attachment 2) has occurred.

The Board of County Commissioners (BOCC) is scheduled to take action on the Joint Planning Land Use Plan and Agreement amendments at its meeting on April 7. The BOCC approved the previous version of the amendments to the Joint Planning documents in June 2014 but must reconsider the amendments which contain new language.

Public Hearing

The proposed Comprehensive Plan and UDO amendments were heard at the February 24, 2014 joint public hearing. Attachment 4 is the minutes of the public hearing.

Procedural Information

In accordance with Sections 2.3.10 and 2.8.8 of the Unified Development Ordinance, any evidence not presented at the public hearing must be submitted in writing prior to the Planning Board's recommendation. Additional oral evidence may be considered by the Planning Board only if it is for the purpose of presenting information also submitted in writing. The public hearing is held open to a date certain for the purpose of the BOCC receiving the Planning Board's recommendation and any submitted written comments. The Resolutions adopted by the Towns of Carrboro and Chapel Hill (Attachment 5) should be considered written comments.

Planning Director's Recommendation

The Planning Director recommends **approval** of the Statement of Consistency, indicating the amendments are reasonable and in the public interest, contained in Attachment 2 and proposed amendment package contained in Attachment 3.

The amendments, since originally heard at public hearing in 2014, are reasonable and represent common ground that helps implement agricultural business goals.

FINANCIAL IMPACT: See Section C.3 in Attachment 1.

RECOMMENDATION: The Planning Director recommends the Planning Board:

1. Deliberate on the petition as desired,
2. Consider the Planning Director's recommendation, and
3. Make a recommendation to the BOCC on the Statement of Consistency and proposed amendment package in time for the **May 5, 2015** BOCC meeting.

COMPREHENSIVE PLAN / FUTURE LAND USE MAP AND UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT OUTLINE

UDO / Zoning-2013-10

Agricultural Support Enterprises Within the Rural Buffer Land Use Classification

A. AMENDMENT TYPE

Map Amendments

- Land Use Element Map:
From:
To:
- Zoning Map:
From:
To:
- Other:

Text Amendments

- Comprehensive Plan Text:
Section(s): Appendix F: Land Use and Zoning Matrix
- UDO Text:
 - UDO General Text Changes
 - UDO Development Standards
 - UDO Development Approval Processes
 Section(s): Sections 2.5.4, 2.7.4, 2.8.5, 3.8, 5.2, 5.13.2, 5.14.2, 5.14.4, 5.16.1, 5.16.2, 5.17.7, 5.17.18, and 6.2.2
- Other:

B. RATIONALE

1. Purpose/Mission

To complete the Agricultural Support Enterprises (ASE) project that has been in development since 2001. The purpose of ASE is to enable bona fide farmers to engage in uses related to agriculture on their farmland in order to generate additional farm income with the intent of better enabling farmers to keep farming, thereby preserving an important part of Orange County’s heritage. Use-specific and general

development standards are also proposed in order to minimize any adverse impacts on adjoining and nearby properties. The ASE program within the Rural Buffer land use classification will potentially allow for development of more agriculturally-related uses in the geographic area of the county designated “Rural Buffer” by utilizing a new conditional zoning district (ASE-CZ) and by expanding agriculturally-related uses in the Rural Buffer general use zoning district.

2. **Analysis**

Readers are encouraged to also view the companion Amendment Outline Form for “Agricultural Support Enterprises Outside of the Rural Buffer Land Use Classification” to gain more information about the entire ASE program (available as part of item #5-a on the May 20, 2014 BOCC agenda: <http://orangecountync.gov/occlerks/140520.pdf>).

Because a text amendment to the Joint Planning Area Land Use Plan and Agreement is necessary in order to apply the ASE program to the Rural Buffer, this Comprehensive Plan/UDO text amendment was proposed separately from the companion text amendment which applied to the County’s planning jurisdiction that is not designated “Rural Buffer.” The required amendments to the Joint Planning Area documents were heard at the March 27, 2014 joint planning public hearing and processing the proposed amendments is nearing completion with the BOCC scheduled to reconsider the amendments at its April 7, 2015 meeting (the BOCC previously approved the amendments to the JPA documents at its June 3, 2014 meeting; the reconsideration is to review the changes requested by the Towns of Carrboro and Chapel Hill).

The ASE concept, as it pertains to the Rural Buffer, was discussed at the November 21, 2013 Assembly of Government meeting. Meeting materials are available at: <http://orangecountync.gov/occlerks/131121.pdf>

As required under Section 2.8.5 of the UDO, the Planning Director is required to: ‘cause an analysis to be made of the application and, based upon that analysis, prepare a recommendation for consideration by the Planning Board and the Board of County Commissioners’. The following information is offered:

The Rural Buffer is a geographic area of the county, under Orange County’s planning jurisdiction, that is also part of the Joint Planning Area (JPA) Agreement which is an agreement between Orange County and the Towns of Chapel Hill and Carrboro (see <http://www.orangecountync.gov/planning/Documents.asp> for links to JPA documents and maps). Agricultural uses are located in the Rural Buffer and “Agriculture,” as a type of use, was “folded” in to the Rural Buffer land use category in the JPA Land Use Plan when the plan was developed/adopted. The Rural Buffer is “further defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres.” Changes were made to the JPA documents in 2014 to clarify that agricultural uses exempt from zoning regulations are allowed in the Rural Buffer. The anticipated changes to the JPA documents will make it clear that appropriate uses that support agriculture are allowable, or potentially allowable (in the case of utilizing a conditional zoning

district), uses in the Rural Buffer. The County UDO amendments for “ASE within the Rural Buffer” cannot be considered for adoption until after the amendments to the Joint Planning Area Land Use Plan and Agreement are adopted by all three local governing bodies. The analysis that follows for the proposed Comprehensive Plan and UDO amendments presume that necessary changes will be made to the JPA documents before adoption consideration of the Comprehensive Plan and UDO amendments.

It is noteworthy that the existing Rural Buffer (RB) zoning district includes the following Purpose statement:

The purpose of the Rural Buffer (RB) District is to provide locations for rural residential developments and agricultural, silvicultural or horticultural uses which serve to buffer or separate more intensively planned and/or developed portions of Orange County. Development within the Rural Buffer (RB) District is at very low densities (the minimum lot size per dwelling unit is two acres) and relies on individual wells and ground absorption systems for domestic water supply and sewage disposal, respectively.

The RB purpose statement shows that agricultural uses were envisioned to be allowed/included in the Rural Buffer and the amendments made in 2014 to the JPA documents clarified this idea. The policy decision to be made is whether appropriate uses that support agriculture, thereby enhancing the continued viability of agriculture, should also be allowed in the Rural Buffer.

The proposed text amendment would add the following agriculturally-related uses/activities as “permitted by right” in the RB general use zoning district, subject to the use-specific standards in Article 5 and the general development standards in Article 6:

- Agricultural Processing Facility, Community
- Community Farmers’ Market
- Cooperative Farm Stand
- Community Meat Processing Facility
- Non-Farm Use of Farm Equipment
- Microbrewery with Minor Events (requires Class B SUP)
- Winery with Minor Events (requires Class B SUP)
- Microbrewery, production only (requires Class B SUP)
- Winery, production only (requires Class B SUP)
- Rural Heritage Museum (requires Class B SUP)
- Rural Special Events

The proposed text amendment also would allow application of the ASE-CZ conditional zoning district in the Rural Buffer. Conditional zoning districts allow applicants to apply for a rezoning that can be considered on a case-by-case basis, taking into account the suitability of a particular parcel of land for a proposed use(s). Mutually agreed upon development or operational conditions can also be applied to the rezoning action. Conditional zoning districts are a regulatory tool that help local governments allow appropriate uses on a site-specific basis while also allowing the imposition of conditions that may help ease nearby residents’ concerns about a

particular use.

Because of the uniqueness of the Rural Buffer, some of the uses applicants may apply for as an ASE-CZ rezoning request will not be available for properties located in the Rural Buffer land use classification. The following uses have been deemed too intensive to be considered for the Rural Buffer:

- Composting operation, with grinding
- Meat Processing Facility, Regional
- Stockyards / Livestock Markets
- Sawmills

Additionally, the Towns of Carrboro and Chapel Hill have recommended that the following four uses be deleted from consideration for location within the Rural Buffer:

- Agricultural Processing Facility
- Microbrewery with Major Events
- Winery with Major Events
- Assembly Facility Greater than 300 Occupants

Use-specific development standards for most of the new uses are located in Article 5. The standards are intended to mitigate any adverse impacts a proposed use may cause to adjacent properties. Additionally, the development standards applicable to all development in Orange County (Article 6 of the UDO) will apply to the uses included in this amendment; examples of the standards in Article 6 are: land use buffers, parking, signage, stream buffers, and performance standards such as noise.

The Land Use and Zoning Matrix in the Comprehensive Plan is proposed to be amended to show that the ASE-CZ zoning district could be applied in the Rural Buffer land use classification.

Completion of the ASE zoning program is included in the County's adopted (2009) Agricultural Development and Farmland Protection Plan available at:

<http://www.orangecountync.gov/ercd/documents/farmland%20protection/Orange%20County%20ADFPP%20Adopted%2011-17-09.pdf>

3. Comprehensive Plan Linkage (i.e. Principles, Goals and Objectives)

Planning Principle #5: Preservation of Rural Land Use Pattern

Planning Principle #8: Preservation of Community Character

Natural and Cultural Systems Goal 2: Economic viability of agriculture, forestry, and horticulture and their respective lands.

Natural and Cultural Systems Goal 3: Infrastructure and support systems for local and regional agriculture.

Objective AG-3: Develop programs and associated infrastructure facilities to make local farms more economically viable, including local farm product processing,

development of a distribution center, and marketing initiatives.

4. **New Statutes and Rules**

N/A

C. PROCESS

1. **TIMEFRAME/MILESTONES/DEADLINES**

- a. BOCC Authorization to Proceed

September 5, 2013

- b. Quarterly Public Hearing

February 24, 2014

- c. BOCC Updates/Checkpoints

May 14, 2013 - work session

September 9, 2013 - special work session

November 21, 2013 - Assembly of Governments meeting (issues related to Rural Buffer)

February 4, 2014 – approve legal ad for quarterly public hearing

March 27, 2014 – joint public hearing for JPA-related amendments

June 3, 2014 – decision on JPA-related amendments

October 16, 2014 – Joint Orange County/Town of Carrboro meeting

November 19, 2014 – Assembly of Governments meeting

April 7, 2015 – reconsider JPA-related amendments

May 5, 2015 - receive Planning Board recommendation on UDO amendment package within the Rural Buffer

- d. Other

2. **PUBLIC INVOLVEMENT PROGRAM**

Mission/Scope: Public Hearing process consistent with NC State Statutes and Orange County ordinance requirements and additional outreach as described below.

- a. Planning Board Review:

October 2, 2013 – ORC Meeting

November 6, 2013 – ORC Meeting (continued) - Comments were incorporated into the proposed amendments and the Planning Board stated it was ready for the proposal to be heard at a public hearing. The ORC agrees that removing the most intensive uses in the ASE-CZ zoning district from consideration in the Rural Buffer is likely the most feasible way to proceed.

May 7, 2014 – made recommendation to approve amendments as presented at

February 24, 2014 quarterly public hearing
 March 4, 2015 – review of changes suggested by the Towns of Carrboro and Chapel Hill and recommendation on revised amendments

b. Advisory Boards:

Agricultural Preservation Board (APB) reviewed and discussed the entire ASE program at its October 16, November 20, 2013, and January 15, 2014 meetings

The consensus of the APB is that the Board is supportive of moving forward with the proposed ASE program and would like farmers to have the ability to apply for as many types of agriculturally-related uses as possible. The Board agrees that removing the most intensive uses in the ASE-CZ zoning district from consideration in the Rural Buffer is likely the most feasible way to proceed.

c. Local Government Review:

November 21, 2013 Assembly of Governments (AOG) Meeting to Present to Elected Officials

August 13, 2013 - Planning staff informally notified Chapel Hill and Carrboro Planning Directors of work in progress and anticipated AOG item

Proposed amendment package formally sent to JPA partners on January 17, 2014.

December 5, 2013 - Planning staff notified Chapel Hill and Carrboro Planning Directors of the need for a joint planning public hearing on March 27, 2014 to consider text amendments to the JPA plan and agreement to allow ASE uses in the Rural Buffer

Town of Carrboro reviewed JPA amendments along with UDO amendments at meetings on:
 June 3, 2014
 June 17, 2014
 September 9, 2014
 October 7, 2014
 October 14, 2014
 January 13, 2015 (not discussed due to time constraints)
 January 27, 2015

Town of Chapel Hill reviewed JPA amendments along with UDO amendments as ancillary discussion at meetings on:
 June 9, 2014
 November 10, 2014
 January 26, 2015 (no discussion, consent item to continue public hearing)
 February 23, 2015 (no discussion, consent item to continue public hearing)
 March 9, 2015

October 16, 2014 – discussion item at joint Orange County/Town of Carrboro meeting

November 19, 2014 – discussion item at AOG meeting

d. Notice Requirements

Item was included in the legal advertisement for the February quarterly public hearing which was published in The Herald Sun and the News of Orange on February 12 and 19, 2014.

e. Outreach:

General Public: The Public Information Meeting scheduled for February 13, 2014 had to be rescheduled to February 17 due to inclement weather. The meeting was advertised in the legal ad, press release, and posted flyers in government buildings/facilities and businesses in the county. The press release was published in the print version of the News of Orange on January 29, 2014.

Information about the ASE program, including the public information meeting, was posted on the Planning Department's website (<http://orangecountync.gov/planning/AgriculturalSupportEnterprises.asp>) on January 24, 2014.

Small Area Plan Workgroup:

Other: Planning staff has worked with DEAPR staff and the Agricultural Preservation Board to ensure the "agricultural community" is informed of the amendments.

3. FISCAL IMPACT

Consideration and approval will not create the need for additional funding for the provision of County services. Costs for the required legal advertisement will be paid from FY2013-14 Departmental funds budgeted for this purpose. Existing County staff included in Departmental staffing budgets will accomplish the work required to process this amendment.

D. AMENDMENT IMPLICATIONS

These amendments would allow for appropriate agriculturally-related uses either by right, with a special use permit, or via a conditional zoning district (ASE-CZ) in the Rural Buffer land use classification, subject to use-specific standards (Article 5) and the general development standards (Article 6) that apply to all development.

Please also see section B.2 above for additional information.

E. SPECIFIC AMENDMENT LANGUAGE

See Attachment 3.

Primary Staff Contact:

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Planning & Inspections

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Attachment 2

**STATEMENT OF CONSISTENCY
OF PROPOSED COMPREHENSIVE PLAN AND UNIFIED DEVELOPMENT ORDINANCE
AMENDMENTS WITH THE 2030 COMPREHENSIVE PLAN AND/OR OTHER ADOPTED
COUNTY PLANS**

Orange County has initiated text amendments to the Comprehensive Plan and Unified Development Ordinance to potentially allow appropriate agricultural support enterprise uses in the Rural Buffer land use classification.

The Planning Board finds:

- The requirements of Sections 2.3 and 2.8 of the Unified Development Ordinance (UDO) have been deemed complete, and
- Pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds documentation within the record denoting that the rezoning **is consistent** with the adopted 2030 Comprehensive Plan and/or other adopted County plans.

The amendment is consistent with applicable plans because it:

- Supports the following 2030 Comprehensive Plan goals and objectives:

Planning Principle #5: Preservation of Rural Land Use Pattern

Planning Principle #8: Preservation of Community Character

Natural and Cultural Systems Goal 2: Economic viability of agriculture, forestry, and horticulture and their respective lands.

Natural and Cultural Systems Goal 3: Infrastructure and support systems for local and regional agriculture.

Objective AG-3: Develop programs and associated infrastructure facilities to make local farms more economically viable, including local farm product processing, development of a distribution center, and marketing initiatives.

- Achieves completion of the ASE zoning program as recommended in the County's adopted Agricultural Development and Farmland Protection Plan (2009).

The amendments are reasonable and in the public interest because:

- The proposed amendments potentially allow for the location of uses related to agriculture in a rural area of Orange County, thereby helping to strengthen the rural community by possibly providing additional income sources for farmers or other rural interests and by providing a "rural infrastructure" in areas of the county with few non-residential opportunities.
- The proposed amendments achieve a reasonable balance of protecting existing land uses while allowing for appropriate development by instituting use-specific standards on most of the additional uses or by requiring a rezoning to a conditional zoning district which

will allow for the imposition of conditions that would mitigate any adverse impacts of development.

- The proposed amendments provide for public participation in the development review process by requiring a rezoning to a conditional zoning district or a special use permit for all but the least-intensive uses.
- The proposed amendments promote public health, safety, and general welfare by furthering the goals and objectives of the 2030 Comprehensive Plan, including implementation of the County's adopted Agricultural Development and Farmland Protection Plan (2009).

The Planning Board hereby recommends that the Orange County Board of County Commissioners consider adoption of the proposed Comprehensive Plan and Unified Development Ordinance amendments.

Pete Hallenbeck, Chair

Date

Attachment 3

Amendment Package for “Agricultural Support Enterprises” Within the Rural Buffer

Notes

The pages that follow contain the amendments necessary to the Unified Development Ordinance (UDO) text and Comprehensive Plan text to adopt changes related to “Agricultural Support Enterprises” (ASE) within the Rural Buffer land use classification.

The following colors/text effects are used:

- **Red Text:** Proposed additions/changes to existing text, presented at the February 2014 quarterly public hearing.
- **Red Strikethrough Text:** Proposed deletions of existing text, presented at the February 2014 quarterly public hearing.
- **Green Text:** Changes suggested after the February 2014 quarterly public hearing as a result of review/comment by the Towns of Carrboro and Chapel Hill.

Some of the proposed changes utilize footnotes to provide a brief explanation as to rationale. Users are reminded that these excerpts are part of a much larger document (the UDO) that regulates land use and development in Orange County. The full UDO is available online at: <http://orangecountync.gov/planning/Ordinances.asp>

Please note that the page numbers in this amendment packet may or may not necessarily correspond to the page numbers in the adopted UDO because adding text may shift all of the text/sections downward.

Some text on the following pages has a large “X” through it to denote that these sections are not part of the amendments under consideration. The text is shown only because in the full UDO it is on the same page as text proposed for amendment. Text with a large “X” is not proposed for deletion; proposed deletions are shown in ~~strikethrough~~ text.

-
- ~~(T) Phase lines and numbers if the development is to be phased;~~
 - ~~(U) Methods of disposal of trees, limbs, stumps and construction debris associated with the permitted activity. Open burning of trees, limbs, stumps, and/or construction debris associated with the permitted activity is expressly prohibited;~~
 - ~~(V) Compliance with County adopted access management, transportation and/or connectivity plans and denote the location of future roadway(s) and access easements, whether public or private, to ensure and encourage future connectivity; and~~
 - ~~(W) Additional information may be required based on the site location and the type of development proposed.~~

2.5.4 Procedures and Timeframes

- (A) Upon submission, the Planning Director shall review the site plan application for completeness in form and content according to this Article.
- (B) If an application is incomplete, it will be returned to the applicant within five working days.
- (C) When a complete application has been accepted, the plan(s) shall be distributed to applicable agencies, DAC, and other departments for review and comment.
 - (1) Applications for agricultural support enterprise uses located within the Rural Buffer land use classification, as depicted on the Future Land Use Map of the adopted Comprehensive Plan, shall be forwarded to the County's Agricultural Preservation Board for review and comment.
 - (a) The Agricultural Preservation Board shall have 30 calendar days to provide comments. If comments are not received within this timeframe, the application review process shall not be delayed.
 - (b) For purposes of this subsection, agricultural support enterprise uses shall be defined as those permitted in the ASE-CZ zoning district, as detailed within Section 5.2.3 of this Ordinance.¹
- (D) The Planning Director shall review the plan(s) based on, but not limited to, the following general criteria:
 - (1) Compliance with all applicable County ordinances;
 - (2) Extent and intensity of impacts to the surrounding area;
 - (3) Respect for existing site conditions, including slope, vegetation, drainage patterns, etc.;
 - (4) Efficient use of the land to minimize disturbance and grading and to conserve energy;
 - (5) Safe and efficient vehicular and pedestrian circulation;
 - (6) Logical placement of structures and other site functions;
 - (7) No open burning of trees, limbs, stumps and construction debris associated with the permitted activity; and
 - (8) Compliance with any previously issued Special Use or Conditional Use Permit(s) associated with the project.

¹ This section is being added in response to Town of Carrboro and Chapel Hill recommendations that the Agricultural Preservation Board be given the opportunity to review and comment on any applications in the Rural Buffer. Planning staff is recommending a 30 day comment period to ensure that the review/approval process for uses permitted by right does not become overly lengthy. However, the APB generally meets only every other month so a special meeting may need to be called to review any applications.

-
- ~~(9) Method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity, which shall be by some method other than open burning.~~
 - ~~(10) Statement from the applicant indicating the anticipated development schedule for the build-out of the project.~~
 - ~~(11) Statement from the applicant in justification of any request for vesting for a period of more than two years (five years maximum).~~

2.7.4 Staff Review

- (A) The Planning Director shall cause an analysis to be made of the application by qualified representatives of the County and other agencies or officials as appropriate.
 - (1) Applications for agricultural support enterprise uses located within the Rural Buffer land use classification, as depicted on the Future Land Use Map of the adopted Comprehensive Plan, shall be forwarded to the County's Agricultural Preservation Board for review and comment.
 - (a) The Agricultural Preservation Board shall have 30 calendar days to provide comments. If comments are not received within this timeframe, the application review process shall not be delayed.
 - (b) For purposes of this subsection, agricultural support enterprise uses shall be defined as those permitted in the ASE-CZ zoning district, as detailed within Section 5.2.3 of this Ordinance.²
- (B) The Planning Director shall submit the analysis to the Board of County Commissioners and the Planning Board, in the case of Class A Special Uses, or the Board of Adjustment, in the case of Class B Special Uses.
- (C) The appropriate Board reviewing the application shall receive and enter the analysis into evidence during the public hearing. The analysis shall be subject to examination by all interested parties and the Planning Director shall be subject to cross-examination regarding the analysis.
- (D) The Planning Director shall not make a recommendation on the general findings detailed within Section 5.3 of this Ordinance

2.7.5 Neighborhood Information Meeting

- ~~(A) Before a Public Hearing may be held for a Special Use the applicant is required to schedule a minimum of one neighborhood information meeting. The purpose of the meeting is to obtain surrounding property owner input and comments on the proposed development project and allow staff an opportunity to explain the review process associated with the request.~~
- ~~(B) The applicant shall obtain property owner mailing address information from the Orange County Planning Department, which shall utilize Orange County Land Records data, and shall mail certified notices of the meeting date and time to each property owner within 500 feet of the property for which a Special Use has been requested.~~
- ~~(C) The applicant shall mail notice of the Neighborhood Information Meeting a minimum of 14 days prior to the date of the meeting.~~

² This section is being added in response to Town of Carrboro and Chapel Hill recommendations that the Agricultural Preservation Board be given the opportunity to review and comment on any applications in the Rural Buffer. Planning staff is recommending a 30 day comment period to ensure that the review/approval process does not become overly lengthy. However, the APB generally meets only every other month so a special meeting may need to be called to review any applications.

- (F) A traffic impact study as required by Section 6.17.
- (G) For amendments to the Special Flood Hazard Area Overlay District, pertaining to a Letter of Map Amendment:
 - (1) An elevation certificate with either an MT-1, MT-2, or MT-EZ (forms available through FEMA), or
 - (2) A "No-Impact" analysis for a Letter of Map Revision.
- (H) All other circumstances, factors and reasons that the applicant offers in support of the proposed Zoning Atlas and/or Unified Development Ordinance text amendment.

2.8.4 Applications for Amendment – Joint Planning Area

Applications for amendments to the Orange County Unified Development Ordinance and Zoning Atlas for the purpose of incorporating the provisions of the Chapel Hill Land Development Ordinance (and Zoning Maps) and/or the Carrboro Land Use Ordinance (and Zoning Maps) shall be processed as specified herein and as specified in the Joint Planning Agreement adopted November 2, 1987, and as amended from time to time.

Any text amendments adopted by Orange County shall be adopted by reference as though fully set forth herein. Any map amendments adopted by Orange County shall be officially denoted on the County Zoning Atlas. Where there is inconsistency between the amendment procedures contained herein and those contained in the Joint Planning Agreement, the provisions of the Joint Planning Agreement shall apply.

2.8.5 Review, Analysis and Recommendation

- (A) The Planning Director shall cause an analysis to be made of the application and, based upon that analysis, prepare a recommendation for consideration by the Planning Board and the Board of County Commissioners.
- (B) Applications for agricultural support enterprise uses located within the Rural Buffer land use classification, as depicted on the Future Land Use Map of the adopted Comprehensive Plan, shall be forwarded to the County's Agricultural Preservation Board for review and comment.
 - (1) The Agricultural Preservation Board shall have 30 calendar days to provide comments. If comments are not received within this timeframe, the application review process shall not be delayed.
 - (2) For purposes of this subsection, agricultural support enterprise uses shall be defined as those permitted in the ASE-CZ zoning district, as detailed within Section 5.2.3 of this Ordinance.³

2.8.6 Public Hearing Required

A public hearing shall be held before adoption of any proposed Zoning Atlas Amendment and/or text amendment to this Ordinance. The Board of County Commissioners and the Planning Board shall hear applications and receive public comment for Zoning Atlas amendments and/or text amendments to this Ordinance in a Quarterly Public Hearing.

³ This section is being added in response to Town of Carrboro and Chapel Hill recommendations that the Agricultural Preservation Board be given the opportunity to review and comment on any applications in the Rural Buffer. Planning staff is recommending a 30 day comment period to ensure that the review/approval process does not become overly lengthy. However, the APB generally meets only every other month so a special meeting may need to be called to review any applications.

<h1 style="margin: 0;">ASE-CZ</h1> <h2 style="margin: 0;">AGRICULTURAL SUPPORT ENTERPRISES</h2>	DIMENSIONAL AND RATIO STANDARDS	
	PURPOSE	Lot size, min., per use (square feet)
The purpose of the Agricultural Support Enterprises (ASE-CZ) District is to provide for agriculturally-related activities that are not considered bona fide farming activities within the County's planning jurisdiction.	Lot Width, min. (feet)	150
	Front Setback from ROW, min. (feet)	40
	Side Setback, min. (feet)	20 [2]
The purpose of the Agricultural Support Enterprises (ASE-CZ) District is to provide for agriculturally-related activities that are not considered bona fide farming activities within the County's planning jurisdiction.	Rear Setback, min. (feet)	20 [2]
	APPLICABILITY	Height, max. (feet)
The district shall be located in such a manner as to be compatible with the character of existing development of surrounding properties, thus insuring the continued conservation of building values and encouraging the most appropriate use of land in the county. Therefore, when evaluating an application for this district, emphasis shall be given to the location of the proposed development, the relationship of the site and site development plan to adjoining property, and the development itself. This district shall not be applied in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan. ⁴	Floor Area Ratio, max	No requirement [4]
	Required Open Space Ratio, min.	No requirement [4]
	Required Livability Space Ratio, min.	No requirement [4]
	Required Recreation Space Ratio, min.	No requirement [4]
DIMENSIONAL STANDARDS NOTES: [1] Lot size for individual uses shall be appropriate to the method of water supply and sewage disposal. [2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district. [3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks. [4] The overall development will be evaluated to ensure compatibility with surrounding properties and with planning objectives.	Required Pedestrian / Landscape Ratio, min.	No requirement [4]
ASE-CZ DISTRICT SPECIFIC DEVELOPMENT STANDARDS		
1. Uses shall be restricted to those indicated for the ASE-CZ District in Section 5.2. Certain uses shall not be approved on parcels located within the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan (refer to Section 5.2.3 for these uses). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions. 2. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. 3. The residential density permitted on a given parcel is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.4 for a breakdown of the allowable density (i.e., the number of individual dwellings that can be developed on a parcel of property). The ASE-CZ district is not intended for residential uses such as subdivisions. Any residential uses are to be occupied by the operator of the associated farm or the proprietor of the approved use. 4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is		

⁴ This sentence needs to be removed in order to allow certain ASE-CZ uses in the Rural Buffer land use classification.

-
- located. Refer to Sections 4.2.5 and 4.2.6 for a breakdown of the allowable impervious surface area.
5. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.

SECTION 5.2: TABLE OF PERMITTED USES

5.2.1 Table of Permitted Uses – General Use Zoning Districts

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																						
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE Δ = SUBJECT TO SPECIAL STANDARDS																						
USE TYPE	GENERAL USE ZONING DISTRICTS																					
	RB	AR	R1	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3	PID	
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																						
AGRICULTURAL USES																						
Agricultural Processing Facility ~																*		*	*	*		
Agricultural Processing Facility, Community ^	*	*								*	*					*		*				
Agricultural Services Uses													*			*						
Cold Storage Facility																A		*	*	*		
Community Farmers' Market ^	*	*								*	*	*	*			*						
Composting Operation, no grinding																A						
Composting Operation, with grinding ~																A						
Cooperative Farm Stand ^	*	*								*	*					*						
Equestrian Center		A																				
Farm Equipment Rental, Sales and Service ~													*	*		*			*	*		
Farm Supply Store										*	*	*	*			*						
Feed Mill ~																*			*	*		
Greenhouses with On Premises Sales ^		*									*	*	*	*		*						
Meat Processing Facility, Community ^	*	*								*	*					*		*				
Meat Processing Facility, Regional ~																A						
Non-Farm Use of Farm Equipment ^	*	*														*						
Stables, Commercial ~	B	B	B									B	B			B						
Stockyards / Livestock Markets ~																*						
CHILD CARE & EDUCATIONAL FACILITIES																						
Center in a Residence for 3 to 12 Children	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*						

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																					
* = PERMITTED USE		A = CLASS A SPECIAL USE				B = CLASS B SPECIAL USE				Δ = SUBJECT TO SPECIAL STANDARDS											
USE TYPE	GENERAL USE ZONING DISTRICTS																				
	RB	AR	R1	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3	PID
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																					
Child Care Facilities	B	B	B	B	B	B	B	B	B	*	*	*	*	*	*						
Libraries										*	*	*	*		*						
Non-Profit Educational Cooperative		A																			
Schools: Dance, Art & Music										*	*	*	*	*	*						
Schools: Elementary, Middle & Secondary	A	A	A	A	A	A	A	A	A						A						
Schools: Vocational												*	*		*				*	*	
Universities, Colleges & Institutes	*	*	*									*	*		*						
COMMERCIAL USES																					
Banks & Financial Institutions										*	*	*	*	*							
Beauty & Barber Shops										*	*	*	*	*							
Country Store										*	*					*					
Drive In Theaters ~													*								
Funeral Homes ~												*	*								
Garden Center										*	*	*	*			*					
Hotels & Motels ~												*	*								
Junkyards ~													A					A	A		
Kennels, Class II ~ ^	B	B	B									B	B		B						
Laundry & Dry Cleaning Services										*	*	*	*	*							
Massage, Business of												*	*								
Microbrewery with Minor Events ^	B	B																B	B	B	
Nightclubs, Bars, Pubs										*		*	*								
Offices & Personal Services, Class 1										*	*	*	*	*	*			*	*	*	
Offices & Personal Services, Class 2											*	*	*		*			*	*	*	
Offices & Personal Services, Class 3												*	*		*					*	

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~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																					
Repair Service Electronic & Appliance										*	*	*	*								
Restaurants: Carry Out											*	*	*	*							
Restaurants: Drive In												*	*	*							
Restaurants: General											*	*	*	*							
Retail, Class 1										*	*	*	*	*							
Retail, Class 2											*	*	*	*							
Retail, Class 3												*	*								
Rural Guest Establishment: Bed & Breakfast ^	*	*	*																		
Rural Guest Establishment: Bed & Breakfast Inn ^		B	B																		
Rural Guest Establishment: Country Inn ^		A	A																		
Storage of Goods, Outdoor ~														*				*	*	*	
Storage or Warehousing: Inside Building													*	*	*			*	*	*	
Studio (Art)										*	*	*	*		*			*	*	*	
Taxidermy ^		B								*	*	*	*					*			
Tourist Home						*	*	*	*						*						
Wholesale Trade ~												*	*	*	*			*	*	*	
Winery with Minor Events ^	B	B																B	B	B	
EXTRACTIVE USES																					
Extraction of Earth Products ~		A														A		A	A	A	
GOVERNMENTAL USES																					
Governmental Facilities & Office Buildings	*	*	*	*	*	*	*	*	*	*	*	*	*		*			*	*	*	*
Governmental Protective Services (Police & Fire Stations) Rescue Squads, Volunteer Fire Departments	*	*	*	*	*	*	*	*	*		*	*	*	*	*	*		*	*	*	

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USE TYPE	GENERAL USE ZONING DISTRICTS																				
	RB	AR	R1	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3	PID
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																					
Military Installations (National Guard & Reserve Armory) ~											*	*	*		*						
MANUFACTURING, ASSEMBLY & PROCESSING																					
Assembly and Packaging Operations Including Mail Order Houses, But Excluding On-Premises Retail Outlets												*			*			*	*	*	
Industrial, Heavy ~																				*	
Industrial, Light ~																	*	*	*	*	
Industrial, Medium ~																			*	*	
Microbrewery, production only ^	B	B																*	*	*	
Printing & Lithography												*	*	*				*	*	*	
Sawmills ~																*					
Winery, production only ^	B	B																*	*	*	
MEDICAL USES																					
Health Services: Over 10,000 Sq. Ft. ~													*								
Health Services: Under 10,000 Sq. Ft.										*		*	*	*	*						
Hospitals ~													*		*						
Veterinary Clinic		B								*	*	*	*	*	*	*		*	*	*	
Veterinary Clinic, mobile		B	B							*	*	*	*	*	*	*		*	*	*	
Veterinary Hospitals												*	*	*	*	*		*	*	*	
RECREATIONAL USES																					
Botanical Gardens & Arboretums	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Camp/Retreat Center	B	B	B																		
Golf Driving and Practice Ranges		B										*	*					*			
Parks, Public & Non-Profit	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

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* = PERMITTED USE		A = CLASS A SPECIAL USE				B = CLASS B SPECIAL USE				Δ = SUBJECT TO SPECIAL STANDARDS												
USE TYPE	GENERAL USE ZONING DISTRICTS																					
	RB	AR	R1	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3	PID	
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																						
Recreational Facilities (Non-Profit)	B	B	B	B	B	B	B	B	B	B	B	B	B	B		B			B	B	B	
Recreational Facilities (Profit)												*	*					*				
Golf Course	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A			A	A	A	
RESIDENTIAL USES																						
Dwelling; Mobile Home	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*							
Dwelling; Multiple Family				*	*	*	*	*	*	*	*	*	*	*	*	*						
Dwelling; Single-Family	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*						
Dwelling; Two-Family	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*						
Family Care Home	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*						
Group Care Facility	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B						
Rehabilitative Care Facility										*		*	*									
Residential Hotel (Fraternities, Sororities, and Dormitories) ~								A	A	A			A	A								
Rooming House						*	*	*	*							*						
TELECOMMUNICATIONS																						
Telecommunication Tower – Stealth (75 feet or shorter)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Telecommunication Towers (Over 75 feet and under 200 feet)	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Telecommunication Towers (200 feet and higher)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
TEMPORARY USES																						
Buildings, Portable	B	B	B	B	B	B	B	B	B			B	B	B	B	B						
Temporary Mobile Home (Custodial Care)	B	B	B	B	B	B	B	B	B							B						

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																				
* = PERMITTED USE		A = CLASS A SPECIAL USE				B = CLASS B SPECIAL USE				Δ = SUBJECT TO SPECIAL STANDARDS										
USE TYPE	GENERAL USE ZONING DISTRICTS																			
	RB	AR	R1	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																				
Temporary Mobile Home (Use during construction/installation of permanent residential unit and for 30 days following issuance of Certificate of Occupancy)	*	*	*	*	*	*														
AUTOMOTIVE / TRANSPORTATION																				
Bus Passenger Shelter	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*
Bus Terminals & Garages ~													*					*	*	*
Motor Freight Terminals ~																		*	*	*
Motor Vehicle Maintenance & Repair (Body Shop) ~												*	*	*						
Motor Vehicle Repair Garage ~												*	*							
Motor Vehicle Sales / Rental (New & Used)														Δ ¹	*	*		*	*	*
Motor Vehicle Services Stations											*	*	*	*	*					
Parking As Principal Use, Surface or Structure												*	*	*						
Petroleum Products: Storage & Distribution ~																		*	*	*
Postal & Parcel Delivery Services												*	*		*					
UTILITIES																				
Elevated Water Storage Tanks	B	B	B	B	B	B	B	B	B	B		B	B	B		B		B	B	B
Public Utility Stations & Sub-Stations, Switching Stations, Telephone Exchanges, Water & Sewage Treatment Plants	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A
Electric, Gas, and Liquid Fuel Transmission Lines	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B		B	B	B
Water & Sanitary Sewer Pumping	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*
Solar Array – Large Facility	B	B	B	B	B	B	B	B	B	B	B	B	B		B	B		B	B	B
Solar Array – Public Utility	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A		A	A	A
WASTE MANAGEMENT																				

¹ See Section 5.15.1 for special standards

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																					
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE Δ = SUBJECT TO SPECIAL STANDARDS																					
USE TYPE	GENERAL USE ZONING DISTRICTS																				
	RB	AR	R1	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3	PID
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																					
Landfills (2 Acres or More) ~	A	A	A													A		A	A	A	
Landfills (Less Than 2 Acres) ~	B	B	B													B		B	B	B	
Waste Management Facility; Hazardous & Toxic ~													A						A	A	
MISCELLANEOUS																					
Accessory Uses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Airports, General Aviation, Heliports, S.T.O.L ~	A	A	A															A	A	A	
Assembly Facility Greater Than 300												*	*								
Assembly Facility Less Than 300										*	*										
Cemetery	B	*	B	B	B	B	B	B	B												
Church	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*
Clubs or Lodges; Social; Fraternal or Union Clubhouses	*	*	*							*	*	*	*		*						
Community Center	B	B	B	B	B	B	B	B	B	*	*	*			*						
Crematoria ~																		*	*	*	
Historic Sites Non-Residential/Mixed Use	A	A	A																		
Kennels, Class I	*	*	*									*	*		*						
Research Facility ~											*	*	*		*			*	*	*	
Research Lands & Installations, Non-profit																					*
Rural Heritage Museum	B	B								B	B					B					
Rural Special Events ^	*	*														*					
Special Events (Less than 150)												*	*						*		

5.2.3 Table of Permitted Uses – Conditional Zoning Districts

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
AGRICULTURAL USES				
Agricultural Processing Facility ^	*	*		
Agricultural Processing Facility, Community	*			
Agricultural Services Uses	*	*		
Cold Storage Facility	*	*		
Community Farmers' Market	*	*		
Composting Operation, no grinding	*			
Composting Operation, with grinding ^	*			
Cooperative Farm Stand	*	*		
Equestrian Center	*			
Farm Equipment Rental, Sales and Service	*			
Farm Supply Store	*	*		
Feed Mill	*	*		
Greenhouses with On Premises Sales	*	*		
Meat Processing Facility, Community	*			
Meat Processing Facility, Regional ^	*			
Non-Farm Use of Farm Equipment	*			
Stables, Commercial	*	*		
Stockyards / Livestock Markets ^	*			
CHILD CARE & EDUCATIONAL FACILITIES				
Center in a Residence for 3 to 12 Children				
Child Care Facilities		*		

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
Libraries		*		*
Non-Profit Educational Cooperative				
Schools: Dance, Art & Music		*		
Schools: Elementary, Middle & Secondary		*		
Schools: Vocational		*		
Universities, Colleges & Institutes		*		
COMMERCIAL USES				
Banks & Financial Institutions		*		
Beauty & Barber Shops		*		*
Construction (Sector 23)		*		
Contractors, Building & Trade		*		*
Country Store	*	*		
Finance & Insurance (Sector 52)		*		
Funeral Homes		*		
Garden Center with On Premises Sales	*	*		
Hotels & Motels		*		
Insurance Carriers & Agents		*		
Junkyards				
Kennels, Class I	*			
Kennels, Class II	*			
Laundry & Dry Cleaning Services		*		
Management of Companies & Enterprises (Sector 53)		*		
Massage, Business of		*		
Metal Fabrication Shop	*			

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
Microbrewery with Minor Events	*	*		
Microbrewery with Major Events ^	*	*		
Nightclubs, Bars, Pubs		*		
Offices & Personal Services, Class 1		*		*
Offices & Personal Services, Class 2		*		
Offices & Personal Services, Class 3		*		
Professional, Scientific & Technical Services (Sector 54)		*		
Real Estate Agents & Brokers		*		*
Repair Service Electronic & Appliance		*		
Restaurants: Carry Out		*		
Restaurants: Drive In		*		
Restaurants: General		*		
Retail, Class 1		*		
Retail, Class 2		*		
Retail, Class 3		*		
Rural Guest Establishment: Bed & Breakfast	*	*		
Rural Guest Establishment: Bed & Breakfast Inn	*	*		
Rural Guest Establishment: Country Inn	*	*		
Storage of Goods, Outdoor	*	*		*
Storage or Warehousing: Inside Building		*		*
Studio (Art)		*		*
Taxidermy	*			
Theater, Indoor or Outdoor (including Drive-ins)		*		*
Tourist Home				

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
Wholesale Trade		*		
Winery with Minor Events	*	*		
Winery with Major Events ^	*	*		
EXTRACTIVE USES				
Extraction of Earth Products				
GOVERNMENTAL USES				
Governmental Facilities & Office Buildings		*		
Governmental Protective Services (Police & Fire Stations) Rescue Squads, Volunteer Fire Departments		*		
Military Installations (National Guard & Reserve Armory)				
Public Administration (Sector 92)		*		
MANUFACTURING, ASSEMBLY & PROCESSING				
Assembly and Packaging Operations Including Mail Order Houses, But Excluding On-Premises Retail Outlets		*		
Industrial, Heavy		*		
Industrial, Light		*		
Industrial, Medium		*		
Manufacturing (Sector 31-33)		*		
Microbrewery, production only	*	*		
Pharmaceutical Products		*		
Printing & Lithography		*		
Sawmills ^	*			
Winery, production only	*	*		
MEDICAL USES				
Health Services: Over 10,000 Sq. Ft.		*		

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
Health Services: Under 10,000 Sq. Ft		*		
Hospitals		*		
Veterinary Clinic	*	*		
Veterinary Clinic, mobile	*	*		
Veterinary Hospitals	*	*		
RECREATIONAL USES				
Arts, Entertainment & Recreation (Sector 71)				
Botanical Gardens & Arboretums	*			
Camp/Retreat Center	*			
Golf Driving and Practice Ranges		*		
Guest Ranch	*			
Parks, Public & Non-Profit	*	*		
Recreational Facilities (Non-Profit)		*		
Recreational Facilities (Profit)		*		
Golf Course		*	*	
Race Track (Motorized, etc.) and Go-Kart Track Facilities				*
RESIDENTIAL USES				
Dwelling; Mobile Home	*		*	
Dwelling; Multiple Family		*		
Dwelling; Single-Family	*	*		
Dwelling; Two-Family		*		
Family Care Home				
Group Care Facility		*		
Rehabilitative Care Facility		*		

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
Residential Hotel (Fraternities, Sororities, and Dormitories)				
Rooming House				
TELECOMMUNICATIONS				
Telecommunication Tower – Stealth (75 feet or shorter)	*	*		
Telecommunication Towers (150 feet in height or shorter)	*	*		
Telecommunication Towers (greater than 150 in height)	*	*		
TEMPORARY USES				
Buildings, Portable	*			
Temporary Mobile Home (Custodial Care)	*			
Temporary Mobile Home (Use during construction/installation of permanent residential unit and for 30 days following issuance of Certificate of Occupancy)	*			
TRANSPORTATION				
Bus Passenger Shelter		*		
Bus Terminals & Garages		*		
Motor Freight Terminals		*		
Motor Vehicle Maintenance & Repair (Body Shop)		*		
Motor Vehicle Repair Garage		*		
Motor Vehicle Sales Rental (New & Used)		*		
Motor Vehicle Services Stations		*		
Parking As Principal Use, Surface or Structure		*		
Petroleum Products: Storage & Distribution		*		
Postal & Parcel Delivery Services		*		*
UTILITIES				

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
Elevated Water Storage Tanks	*	*		
Public Utility Stations & Sub-Stations, Switching Stations, Telephone Exchanges, Water & Sewage Treatment Plants	*	*		
Electric, Gas, and Liquid Fuel Transmission Lines	*	*		
Water & Sanitary Sewer Pumping	*	*		
Solar Array – Large Facility	*	*		
Solar Array – Public Utility	*	*		
WASTE MANAGEMENT				
Landfills (2 Acres or More)				
Landfills (Less Than 2 Acres)				
Waste Management Facility; Hazardous & Toxic				
MISCELLANEOUS				
Accessory Uses	*	*	*	*
Airports, General Aviation, Heliports, S.T.O.L.				
Assembly Facility Greater Than 300 Occupants ^	*	*		
Assembly Facility Less Than 300 Occupants	*	*		*
Cemetery				
Church	*	*		
Clubs or Lodges; Social; Fraternal or Union Clubhouses	*	*		
Community Center	*	*		
Crematoria (4)		*		
Historic Sites Non-Residential/Mixed Use	*	*		
Information (Sector 51)		*		
Research Facility		*		

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
Research Lands & Installations, Non-profit		*		
Rural Heritage Museum	*			
Rural Special Events	*	*		

- (c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.
- (2) If located adjacent to residentially zoned property, all buildings and outdoor storage areas shall be located a minimum of 100 feet from the property line.
- (3) Outdoor storage areas shall be screened from the view of any adjacent residentially zoned property.

5.13.2 Agricultural Processing Facility, Community

(A) General Standards for Evaluation

- (1) If located in an AR or RB zoning district, facility shall be located on the bona fide farm of one of the cooperative farm partners or must be permitted as an ASE-CZ.
- (2) The building shall not exceed 10,000 square feet in size.
- (3) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
- (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
- (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
- (c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.
- (4) If located adjacent to residentially zoned property, all buildings and outdoor storage areas shall be located a minimum of 100 feet from the property line.
- (5) Outdoor storage areas shall be screened from the view of any adjacent residentially zoned property.

5.13.3 Cold Storage Facility

(A) General Standards for Evaluation

- (1) If located adjacent to residentially zoned property, all buildings and outdoor storage areas shall be located a minimum of 100 feet from the property line.
- (2) Outdoor storage areas shall be screened from the view of any adjacent residentially zoned property.
- (3) The site shall be located on a major road, as classified in the Orange County Comprehensive Plan, unless permitted as an ASE-CZ.

5.13.4 Community Farmers' Market

(A) General Standards for Evaluation

- (1) The minimum lot size shall be 3 acres unless permitted as an ASE-CZ.

SECTION 5.14: STANDARDS FOR MANUFACTURING, ASSEMBLY & PROCESSING

~~5.14.1 Metal Fabrication Shop~~

~~(A) Standards for ASE-CZ Zoning District~~

- ~~(1) Facility must be located on a bona fide farm.~~
- ~~(2) Minimum lot size: 3 acres.~~
- ~~(3) Maximum building size: 3,000 square feet.~~
- ~~(4) If located adjacent to residentially zoned property, all buildings and operations must be located a minimum of 200 feet from the property line.~~

5.14.2 Microbrewery, production only

(A) Standards for Class B Special Use Permit or ASE-CZ Zoning District

- (1) If located in an AR or RB zoning district, the microbrewery must be located on a bona fide farm.
 - (a) A microbrewery, production only, that is located on a bona fide farm, and which utilizes primarily crops produced on-site is considered a bona fide farming use and is not subject to zoning regulations.
 - (b) A microbrewery, production only, that does not utilize primarily crops produced on-site, regardless of whether it is located on a bona fide farm, is not considered a bona fide farming use and is subject to the regulations contained in this Ordinance.
- (2) If located adjacent to residentially zoned property, all buildings shall be located a minimum of 100 feet from the property line.
- (3) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
 - (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

~~5.14.3 Sawmills~~

~~(A) General Standards for Evaluation and ASE-CZ Zoning District~~

- ~~(1) Minimum lot size: 5 acres.~~
- ~~(2) All structures, equipment, and storage shall be located a minimum of 100 feet~~

from the property line.

- (3) Hours of operation shall be limited to the hours between 7 a.m. and 7 p.m.
- (4) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit.

5.14.4 Winery, production only

(A) Standards for Class B Special Use Permit or ASE-CZ Zoning District

- (1) If located in an AR or RB zoning district, the winery must be located on a bona fide farm.
 - (a) A winery, production only, that is located on a bona fide farm, and which utilizes primarily crops produced on-site is considered a bona fide farming use and is not subject to zoning regulations.
 - (b) A winery, production only, that does not utilize primarily crops produced on-site, regardless of whether it is located on a bona fide farm, is not considered a bona fide farming use and is subject to the regulations contained in this Ordinance.
- (2) If located adjacent to residentially zoned property, all buildings shall be located a minimum of 100 feet from the property line.
- (3) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
 - (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

SECTION 5.15: STANDARDS FOR AUTOMOTIVE/TRANSPORTATION RELATED USES

5.15.1 Motor Vehicle Sales / Rental (New & Used) in the NC-2 Zoning District

(A) Standards for the NC-2 Zoning District

- (1) This use shall only be permitted within the Commercial Transition Activity or Commercial-Industrial Transition Activity Node land use classifications, as designated on the Land Use Element Map of the adopted Comprehensive Plan.
- (2) The site shall have direct access onto a State maintained roadway.
- (3) A maximum of 12 cars may be stored or displayed on-site.

SECTION 5.16: STANDARDS FOR MEDICAL USES

5.16.1 Veterinary Clinic

(A) Standards for Class B Special Use Permit or ASE-CZ or MPD-CZ Zoning District

- (1) In the AR and ASE-CZ zoning districts⁵, this use is intended primarily for large animal facilities but may also contain an ancillary small animal component.
- (2) If located adjacent to residentially zoned property, all buildings and facilities shall be located a minimum of 100 feet from the property line.

5.16.2 Veterinary Clinic, mobile

(A) Standards for Class B Special Use Permit or ASE-CZ or MPD-CZ Zoning District

- (1) In the AR, and R-1, and ASE-CZ zoning districts, this use is intended to be located on the same property as the operator’s residence. The mobile clinic shall be parked to the side or rear of the residence, not in front of the residence, unless permitted otherwise in the permit.
- (2) For all zoning districts in which this use is permitted, observation shelters for up to three large or small animals shall be considered an accessory use. The permit may specify a greater number of observation shelters and may limit the maximum number of days an individual animal may be observed.
- (3) If adjacent to residentially zoned property, all mobile clinic operations shall be located a minimum of 100 feet from the property line.
- (4) Veterinary services whereby the public brings their animal to the mobile clinic location shall not be permitted, unless specifically permitted in the permit.

5.16.3 Veterinary Hospital

(A) Standards for ASE-CZ Zoning District

- (1) In the ASE-CZ zoning district, this use is intended primarily for large animal facilities but may also contain an ancillary small animal component.
- (2) If located adjacent to residentially zoned property, all buildings and facilities shall be located a minimum of 100 feet from the property line.

SECTION 5.17: STANDARDS FOR MISCELLANEOUS USES

5.17.1 Churches

(A) General Standards

- (1) Churches are required to provide setbacks in residential districts; the minimum shall be as follows:

TABLE 5.14.1.A: CHURCH SETBACK STANDARDS IN RESIDENTIAL DISTRICTS	
SETBACK	DISTANCE (FEET)
Front	45

⁵ This change accomplishes one of the recommendations made by the Towns of Carrboro and Chapel Hill. It should be noted that this standard will apply to areas outside of the rural buffer as well. However, the County Attorney’s office was not comfortable with using Comprehensive Plan land use classifications (e.g., “Rural Buffer”) as a basis of a standard. This comment also applies to the change made in 5.16.2 immediately below. It should be noted that these two uses are not permitted in the RB general use zoning district and are permitted in the Rural Buffer only through the ASE-CZ rezoning process.

-
- (i) Habitat Maintenance
 - (i) Habitats identified in the biological inventory and habitats created through mitigation shall be maintained in accordance with the Resources Management Plan and/or a conservation easement agreement; and
 - (ii) Maintenance of habitats shall be minimal, consisting primarily of maintaining buffers and enhancements, removal of exotic (non-native) plant species, and keeping drainage ways functioning properly.
 - (j) Access

Access to the subdivision and access to lots within the subdivision to existing public roads shall conform to and be in compliance with any public road access management plan adopted by Orange County.
 - (k) Maintenance of Improvements
 - (i) All site improvements such as roads, utilities (including irrigation and drainage structures), habitat enhancements, recreational amenities, signage, landscaping, open space, etc. will be maintained in function and appearance.
 - (ii) Maintenance specifications, if any, for on-going site management (including provisions for handling of storm debris in open space areas) shall be submitted as part of the Resources Management Plan and incorporated into Homeowners' Association documents.

5.17.7 Rural Heritage Museum

(A) Standards for Class B Special Use Permit or ASE-CZ Zoning District

- (1) If located adjacent to residentially zoned property, all buildings, facilities, and parking areas shall be located a minimum of 100 feet from the property line.
- (2) The maximum building size in an AR or RB zoning district shall be 5,000 square feet.

5.17.8 Rural Special Events

(A) General Standards for Evaluation or ASE-CZ or MPD-CZ Zoning Districts

- (1) Must be located on a bona fide farm.
- (2) In addition to the requirements in Section 2.5 or 2.9, as applicable, the following information shall be submitted with the application materials:
 - (a) Description of special events to be held on-site, including frequency of events, hours of operation, anticipated attendance, and any other pertinent details.
 - (b) Location of parking area(s).
 - (c) A map depicting surrounding uses and the distance to residential structures.
- (3) The temporary or seasonal commercial activities that comprise the special event must pertain to agricultural or rural-related activities.
- (4) If located adjacent to residentially zoned property, all structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.
- (5) Events permitted by right in the AR, RB, and AS zoning districts shall be limited

to no more than 150 people at one time and shall occur no more than 12 days per year. Events exceeding these limits must be approved as an ASE-CZ or MPD-CZ.

- (6) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit.
- (7) Special events shall cease no later than 9 p.m. on Sunday through Thursday or 11 p.m. on Friday and Saturday, unless approved otherwise in the permit.
- (8) Food services are not allowed unless approved in the permit.
- (9) Documentation shall be submitted from the Fire Marshal and Building Inspections Department stating that all areas open to the public meet state regulations.

- ~~(1) Minimum lot area, lot width, and setback requirements as specified in Article 3 of this Ordinance may be reduced for lots created as part of a Flexible Development subdivision as provided in Section 7.13 of this Ordinance.~~

~~(C) **Flag Lots**~~

- ~~(1) Flag lots as defined in Article 10 are accommodated for as provided in Section 7.7 of this Ordinance.~~

(D) Reuse of Existing Farm Buildings within the Rural Buffer Zoning District⁶

- (1) Setback requirements may be lessened through the appropriate permitting process for agricultural support enterprise uses that reuse farm buildings in existence as of [date of adoption; scheduled for consideration on May 5, 2015] that are currently located within the required setback area.**
- (a) This provision applies to agricultural support enterprise uses currently zoned RB.**
 - (b) The setback width shall not be lessened to a distance less than the setback required in the RB general use zoning district.**
 - (c) For purposes of this subsection, agricultural support enterprise uses shall be defined as those permitted in the ASE-CZ zoning district, as detailed within Section 5.2.3 of this Ordinance.**

6.2.3 Clustering

~~(A) **UNIV-CA & UNIV – PW Watershed Protection Overlay Districts**~~

- ~~(1) Clustering of residential lots is permitted in accordance with Section 7.12 of this Ordinance.~~
- ~~(2) Each lot shall contain a minimum of one acre.~~

~~(B) **All Other Overlay Districts**~~

~~Clustering of residential lots is permitted in accordance with Section 7.13 of this Ordinance.~~

6.2.4 Irregular Lots

Any irregular lot of record at the time these regulations became effective may be subdivided in compliance with applicable subdivision regulations and improvement requirements, to create additional regular lots, provided that such lots meet all requirements of the district and that no residual substandard lots remain as a result of such action.

6.2.5 Principal Uses

There shall be no more than one principal use on any zoning lot except where:

- (A) Permitted as a CU District or CZ District; or**
- (B) The parcel is located within an Economic Development District, Commercial Transition Activity Node, Commercial-Industrial Transition Activity Node, Rural Neighborhood Activity Node, or Rural Community Activity Node, as designated by the Comprehensive Plan; or**
- (C) The parcel is less than 2 acres in size, and non-residential multiple uses are proposed within a single principal structure; or**

⁶ This section is being added in response to Town of Carrboro and Chapel Hill recommendations that the reuse of existing farm buildings, especially those 50 years or older, be encouraged by providing a mechanism to reduce or waive setback requirements that would otherwise apply to new agricultural support uses. The language proposed for adoption incorporates review comments made by the County Attorney's office.

2030 Comprehensive Plan Amendments



Appendix F: Land Use and Zoning Matrix

Appendix F. Relationship Between Land Use Categories and Zoning Districts Matrix

Per the Orange County Zoning Ordinance, zoning districts are applied to each of the Land Use Element categories as follows. A matrix is provided at the end of this appendix that summarizes the zoning districts applied to each category.

COUNTY RESIDENTIAL TRANSITION (20-Year Transition).

Identifies areas changing from rural to urban in form and density. All densities of residential development would be appropriate. The applied zoning districts include: R 1 (low density); R 2, R 3, and R 4 (medium density); and R 5, R 8, and R 13 (high density) residential uses.

COUNTY RESIDENTIAL TRANSITION (10-Year Transition).

Identifies areas changing from rural to urban in form and density. All densities of residential development would be appropriate. Non-residential uses implemented in accordance with small area plans and/or overlay districts may be appropriate. The applied zoning districts include: R 1 (low density); R 2, R 3, and R 4 (medium density); and R 5, R 8, and R 13 (high density) residential uses, and Zoning Overlay Districts.

COUNTY COMMERCIAL TRANSITION.

Identifies areas changing from rural to urban in form and density. A full range of intensities of commercial development would be appropriate. The applied zoning districts include: LC 1 (Local Commercial); NC 2 (Neighborhood Commercial); CC 3 (Community Commercial); GC 4 (General Commercial); OI (Office and Institutional); and ED (Economic Development).

COUNTY INDUSTRIAL TRANSITION.

Identifies areas changing from rural to urban in form and density. A full range of industrial activities would be appropriate and allowed. The applied zoning districts include: I 1 (Light Industrial); I 2 (Medium Industrial); I 3 (Heavy Industrial); and ED (Economic Development).

CHAPEL HILL AND CARRBORO TRANSITION.

On November 2, 1987, a Joint Planning Agreement was adopted by Orange County and the Towns of Chapel Hill and Carrboro. The Agreement became effective on November 14, 1988, following the adoption, by Orange County, of zoning plans prepared by the two municipalities for their respective Transition Areas. The applied zoning districts are those contained in the Chapel Hill Land Development Ordinance and the Carrboro Land Use Ordinance, and are consistent with the land use plan categories contained in the Orange County Chapel Hill Carrboro Joint Planning Land Use Plan. Reference should be made to the appropriate municipal ordinance and zoning map for a description of the districts and applicable development standards. Under the terms of the Joint Planning Agreement, the Towns of Chapel Hill and Carrboro are responsible for permit administration within their respective Transition Areas.

RURAL BUFFER.



Appendix F: Land Use and Zoning Matrix

Only very low density residential, ~~and~~ agricultural uses **exempt from zoning regulations, and low-intensity agricultural support uses¹** are appropriate in the Rural Buffer. The applied zoning district is RB (Rural Buffer).

RURAL RESIDENTIAL.

Identifies rural areas to be developed as low intensity and low density residential. The applied zoning district is R 1 (low density) Residential).

AGRICULTURAL RESIDENTIAL.

Agricultural activities and associated residential and commercial uses predominate. The applied zoning districts reflect this primary land use and include: AR (Agricultural Residential) and AS (Agricultural Services).

RURAL COMMUNITY ACTIVITY NODE.

Identifies rural crossroads communities throughout the County where small scale commercial activities serving the community and surrounding area are appropriate. The applied zoning districts include: LC 1 (Local Commercial) and NC 2 (Neighborhood Commercial).

RURAL NEIGHBORHOOD ACTIVITY NODE.

Identifies areas in the County where small scale commercial uses serving the population in the surrounding area are appropriate. The applied zoning districts include: LC 1 (Local Commercial) and NC 2 (Neighborhood Commercial).

RURAL INDUSTRIAL.

Identifies rural areas in the County where small scale industrial activities would be appropriate. The applied zoning district is I 1 (Light Industrial).

PUBLIC INTEREST AREA.

These lands are considered valuable for recreational and research purposes and are afforded special treatment. The applied zoning district is PID (Public Interest District).

ECONOMIC DEVELOPMENT ACTIVITY NODE:

Identifies areas in Transition areas of the County which have been specifically targeted for economic development activity consisting of light industrial, distribution, flex space, office, and service/retail uses. Such areas are located adjacent to interstate and major arterial highways, and subject to special design criteria and performance standards. The applied zoning district is ED (Economic Development).

¹ These changes are being suggested to ensure consistency between the Comprehensive Plan language and the language that was adopted as part of the Joint Planning Agreement amendments.



Appendix F: Land Use and Zoning Matrix

Land Use Classifications & Overlays		ZONING DISTRICTS																							
		RB	AR	R-1	R-2	R-3, R-4	R-5, R-8, R-13	LC-1	NC-2	CC-3	GC-4	EC-5	O/I	I-1	I-2	I-3	EI	EDB-1, EDB-2, EDE-1, EDE-2, EDH-1, EDH-2, EDH-3, EDH-4, EDH-5	AS	Special Zoning Overlay District	PID	ASE-CZ	MPD-CZ	MHP-CZ	
Transition	Chapel Hill Transition	Permit Administration by Municipalities under the provisions of the Joint Planning Agreement- Contact appropriate Municipality for applicable Zoning Standards																							
	Carrboro Transition	Permit Administration by Municipalities under the provisions of the Joint Planning Agreement- Contact appropriate Municipality for applicable Zoning Standards																							
	10-Year Transition			◆	◆	◆	◆													◆			◆	◆	
	20-Year Transition			◆	◆	◆	◆																	◆	◆
	Commercial Transition Activity Node							◆	◆	◆	◆		◆										◆	◆	
	Commercial-Industrial Transition Activity							◆	◆	◆	◆		◆	◆	◆	◆							◆	◆	
	Economic Development Transition Activity Node																	◆						◆	
Rural	Rural Buffer	◆																				◆		◆	
	Rural Residential			◆																			◆		◆
	Agricultural Residential		◆																◆				◆		◆
	Rural Community Activity Node							◆	◆														◆	◆	
	Rural Neighborhood Activity Node							◆	◆														◆		
	Rural Industrial Activity Node													◆									◆		
Overlay	Public Interest Area																				◆				

APPROVED 4/15/2014

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
QUARTERLY PUBLIC HEARING
February 24, 2014
7:00 P.M.

The Orange County Board of Commissioners met with the Orange County Planning Board for a Quarterly Public Hearing on February 24, 2014 at 7:00 p.m. at the DSS Officers, Hillsborough, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Barry Jacobs and Commissioners Mark Dorosin, Alice M. Gordon, Earl McKee Bernadette Pelissier, Renee Price and Penny Rich

COUNTY COMMISSIONERS ABSENT:

COUNTY ATTORNEY PRESENT: James Bryan (Staff Attorney)

COUNTY STAFF PRESENT: Interim County Manager Michael Talbert and Deputy Clerk to the Board David Hunt (All other staff members will be identified appropriately below)

PLANNING BOARD MEMBERS PRESENT: Planning Board members Maxecine Mitchell, Johnny Randall, Paul Guthrie, Herman Staats, Tony Blake, and H.T. "Buddy" Hartley

PLANNING BOARD MEMBERS ABSENT: Chair Pete Hallenbeck, Lisa Stuckey, Andrea Rohrbacher and James Lea

Chair Jacobs called the meeting to order at 7:03 pm. He reviewed the following items at the members' places:

- Booklet/Blue Sheets/Cream Sheets/PowerPoint – Item C-1 – Class A Special Use Permit
- Letter – Item C-3 - Unified Development Ordinance (UDO) Text Amendment

A. OPENING REMARKS FROM THE CHAIRS

B. PUBLIC CHARGE

The Chair dispensed with the reading of the public charge.

C. PUBLIC HEARING ITEMS

Planning Board Member Buddy Hartley introduced this item.

1. Class A Special Use Permit - To review a Class A Special Use Permit application seeking to develop a solar array/public utility station on two parcels of property, totaling approximately 52 acres in area, off of Redman Road between the railway and Interstate 85/40 in Cheeks Township.

Buddy Hartley: An item involving a special use permit is a quasi-judicial setting, so approval or denial of such permits are based on sworn testimony and evidence from individuals who are speaking before the Board. So, we will ask that all individuals that wish to speak on this be sworn to before the clerk.

Those who were speaking to this item were then sworn in.

Michael Harvey: Good evening. I am Michael Harvey of the Orange County Planning Department. I have been duly sworn, and my job here this evening is to present to you a Class

ability to communicate. He said he is sure there will be concern and pushback over the water issue in the future.

Commissioner Gordon said she does think the ground water is a key concern. She said the County does encourage businesses that have low water usage, as part of economic development. She said the consideration of water usage is a legitimate concern, and the County has to consider not exceeding the carrying capacity.

She thinks the Board needs time to consider the definitions.

Perdita Holtz said, per the prior discussion the plan is to adjourn until the May meeting.

Chair Jacobs said, after all the time the Board has spent on this, he hopes it does not get hung up on how many gallons of water are allowed. He said the water issue is important; but there are a lot of people who can benefit from this, and he feels it is possible to come up with reasonable standards. He hopes staff will work with the planning board to come up with something that is sensitive to the concerns of farmers as well as the concerns of people who worry about our ground water.

A motion was made by Commissioner Rich, seconded by Commissioner McKee to:

1. Refer the matter to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the May 20, 2014 BOCC regular meeting.
2. Adjourn the public hearing until May 20, 2014 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

VOTE: UNANIMOUS

6. 2030 Comprehensive Plan and Unified Development Ordinance (UDO) Text Amendments - To review government-initiated amendments to the text of the UDO to establish a zoning program commonly referred to as Agricultural Support Enterprises (ASE) within the Rural Buffer land use classification.

Perdita Holtz reviewed the following PowerPoint slides:

Agricultural Support Enterprises Within the Rural Buffer

Land Use Classification
 Quarterly Public Hearing
 February 24, 2014
 Item C.6

Purpose of Amendment

- Allow appropriate agricultural support enterprises within the Rural Buffer land use classification
 - Will augment allowable uses farmers can pursue in order to generate additional farm-related income while minimizing any adverse impacts on adjoining property
 - Intent is to better enable farmers to keep farming which will help preserve the rural heritage of Orange County, including the geographic area that comprises the Rural Buffer
 - Balance between rights of property owner and rights of neighboring property owners

Two Proposed ASE Amendments

- Outside of Rural Buffer land use classification
- Within Rural Buffer land use classification

- Requires amendments to Joint Planning Area documents
 - Orange County, Towns of Chapel Hill & Carrboro must approve JPA amendments
 - March 27, 2014 joint planning public hearing
 - JPA documents must be amended before these proposed UDO/Comprehensive Plan changes can be adopted by Orange County
- Will be on longer review/approval timeframe
- The more intensive uses could not be considered in the Rural Buffer, under the current proposal

Unified Development Ordinance & Comprehensive Plan Amendments

- Only a few changes/additions would be necessary to the ASE text applicable outside of the Rural Buffer to allow ASE uses within the Rural Buffer
 - District chart in Article 3
 - Additions to RB zoning district in Table of Permitted Uses for General Use Zoning Districts
 - Noting that some uses shall not be approved in the ASE-CZ if located in the Rural Buffer
 - Additions to some of the use-specific standards in Article 5
- Comprehensive Plan amendment to allow new ASE-CZ zoning district in the Rural Buffer land use category

Project Review/Approval Process

- Depends on use being proposed within the Rural Buffer
- Three basic processes:
 - Staff review/approval
 - Special Use Permit
 - Class B is reviewed/approved by Board of Adjustment
 - Class A is reviewed/approved by Board of County Commissioners (none in RB)
 - Rezoning
 - General Use district (not applicable in the Rural Buffer)
 - Conditional district (including proposed ASE-CZ)
- All projects within the Rural Buffer are sent to JPA partners for review and comment, in accordance with the JPA Agreement

Permitted Outright vs. SUP or Conditional Zoning

- Less intensive uses added to the Table of Permitted Uses as permitted outright
 - Subject to use-specific and general development standards
 - Community Agricultural Processing Facility
 - Community Farmers Market
 - Cooperative Farm Stand
 - Community Meat Processing Facility
 - Non-Farm Use of Farm Equipment
 - Rural Special Events
- Staff approval
- More intensive uses must be permitted through either the Special Use Permit process or rezoned as an ASE-CZ
 - Class B Special Use Permit
 - Microbrewery with Minor Events
 - Winery with Minor Events

- Microbrewery, Production Only
- Winery, Production Only
- Rural Heritage Museum
- Special Use Permits are “quasi-judicial” proceedings
 - Public Hearing
 - Decided on a case-by-case basis with public input (“evidence”)

Conditional Zoning District (ASE-CZ)

Some of the more intensive uses that can be applied for as an ASE-CZ could not be applied for in the Rural Buffer

- Composting Operation with grinding
- Regional Meat Processing Facility
- Stockyards/Livestock Markets
- Sawmills
- Both Agricultural Preservation Board and Planning Board Ordinance Review Committee agree on removing these uses from consideration in the Rural Buffer

Conditional Zoning District (ASE-CZ)

- Conditional zoning districts allow projects to be considered on a case-by-case, site-specific basis
 - Rezoning (legislative process) with public hearing
- Acknowledges that there are places where a specific type of use may be appropriate whereas it would not be in a different site-specific situation
 - BOCC has final decision on whether a proposed use(s) is compatible with surrounding uses
 - Mutually agreed upon conditions can be imposed as part of the approval process
 - Allows tailoring of project to a specific site
- Table of Permitted Uses lists the types of uses that can be applied for as an ASE-CZ

JPA Review

November 21, 2013 Assembly of Governments meeting to discuss with elected officials

Amendment Package sent to JPA partners on January 17, 2014

- To date, no comments have been received

Public Notification

- Completed in accordance with Section 2.8.7 of the UDO
 - Newspaper legal ads for 2 successive weeks
- Held Public Information Meeting on February 17 (was postponed from advertised date of February 13)
 - Flyers posted
 - Press Release
- Has been a topic on a few agendas in the past year
 - BOCC (including Assembly of Governments)
 - Planning Board
 - Agricultural Preservation Board
- Planning website posting on January 24

Recommendation

- Receive the proposal to amend the Comprehensive Plan and Unified Development Ordinance.

- Conduct the Public Hearing and accept public, BOCC, and Planning Board comment on the proposed amendment.
- Refer the matter to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the September 4, 2014 BOCC regular meeting.
- Adjourn the public hearing until September 4, 2014 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

Commissioner Gordon referred to the use specific standards chart and asked why this is not included in the rural buffer section.

Perdita Holtz said the standards are the same in the rural buffer as they are in the agricultural residential. She referred to the amendment package, in article 5 and said any amendments in red are just adding RB to a few sections. She said the standards are the same, and there has been no re-write of standards to make it pertain to the rural buffer.

Commissioner Gordon asked how the Planning Board consideration interfaces with the joint planning consideration.

Perdita Holtz said, within the rural buffer, the planning board will make a recommendation on the JPA amendments as well. She said the planning board will be briefed on this in April, and information will be shared from the public hearing, planned for March 27th. She said the UDO revisions being considered tonight will be on the April planning board agenda for them to make a recommendation as well.

Commissioner Gordon said the recommendation will be made with just the hearing comments, but not with the comments from the jurisdictions.

Perdita Holtz said the UDO amendments are not what are being heard at the March 27th joint public hearing; this is to hear amendments to the joint planning land use plan and agreement, and there are very few amendments that need to occur.

Commissioner Gordon asked for a memo listing those amendments.

Perdita Holtz said this can be done.

Commissioner Gordon asked when the input on the UDO from the Chapel Hill and Carrboro public officials will come.

Perdita Holtz said public officials don't comment on UDO amendments unless staff wants to bring something to their attention.

Commissioner Gordon asked when these comments are due.

Perdita Holtz said these were due by tonight, but these will still be accepted while the public hearing process is going on. She said written comments can be submitted as part of the JPA process.

Chair Jacobs asked if there are any items in this proposal that have the same issues that the attorney and staff had in the previous proposal.

Perdita Holtz said this is not due to come back until September, so this is not an issue.

A motion was made by Commissioner Price, seconded by Commissioner Pelissier to:

1. Refer the matter to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the September 4, 2014 BOCC regular meeting.
2. Adjourn the public hearing until September 4, 2014 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

VOTE: UNANIMOUS

Attachment 5

Perdita Holtz, Orange County Planning Department, stated that the County prefers that the Town adopt something that addresses their intent rather than amending the County's UDO language.

A motion was made by Alderman Chaney, seconded by Alderman Seils, that this resolution be approved.

RESOLUTION AMENDING THE JOINT PLANNING LAND USE PLAN AND JOINT PLANNING AGREEMENT TO ALLOW FOR THE POSSIBILITY OF LOCATING APPROPRIATE LOW INTENSITY AGRICULTURAL SUPPORT ENTERPRISES IN THE RURAL BUFFER LAND USE CLASSIFICATION

WHEREAS, Orange County, the Town of Chapel Hill, and the Town of Carrboro entered into a Joint Planning Agreement originally dated September 22, 1987 and amended from time to time, and

WHEREAS, pursuant to the Joint Planning Agreement, a Joint Planning Land Use Plan was adopted on October 13, 1986 by all parties to the Joint Planning Agreement, and has since been amended on several occasions, and

WHEREAS, Orange County initiated amendments to the Orange County Comprehensive Plan and Unified Development Ordinance in order to adopt a regulatory program referred to as "Agricultural Support Enterprises Within the Rural Buffer Land Use Classification," a program the County has been working on since 2001, and

WHEREAS, amendments to the Joint Planning Land Use Plan and Agreement are necessary prior to Orange County adopting the aforementioned Comprehensive Plan and Unified Development Ordinance amendments, and

WHEREAS, a joint public hearing regarding the proposed Joint Planning Land Use Plan and Agreement amendments was held on March 27, 2014, in accordance with the requirements of the Joint Planning Agreement.

NOW THEREFORE, the Carrboro Board of Aldermen hereby resolves that the Joint Planning Land Use Plan and Agreement be amended as shown on the attached pages.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen recommends approval of all but four (i.e. Agricultural Processing Facility, Microbrewery w/Major Events, Winery w/Major Events, and Assembly Facility Greater than 300 Occupants) of the proposed agricultural support uses contained in the draft ordinance modifying the Orange County Unified Development Ordinance that may only be enacted after the amendments to the Joint Planning Land Use Plan and Joint Planning Agreement have been approved. The Carrboro Board of Aldermen's approval is predicated on the removal of these uses.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen recommends that the Agricultural Preservation Board, the County's appointed agricultural advisory board be given the opportunity to comment on rezoning and land use permits related to ASE in the Rural Buffer. BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen recommends that reuse of existing farm

buildings, especially those 50 years or older, into new agricultural support enterprises, be encouraged by including in the draft ordinance provisions a mechanism for reducing or waiving the 100-foot property line setback requirements that would otherwise apply to such new enterprises.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen requests that an update on Agricultural Support Enterprises be provided annually at a joint public meeting of the parties to the Joint Planning Agreement.

BE IT FURTHER RESOLVED that the amendments to the Joint Planning Land use Plan and the Joint Planning Agreement described above and indicated on the attached pages shall become effective upon adoption by the governing bodies of Orange County, Chapel Hill, and Carrboro.

BE IT FURTHER RESOLVED that Vet Clinics and Hospital Uses are preferred for only large animal care.

This the 27th day of January, 2015

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, and Alderman Johnson

Nay: Alderman Slade

PAGE 60-a – JPA LAND USE PLAN

The Rural Buffer is defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres. The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition Area, is rural in character and which will remain rural and not require urban services (public utilities and other Town services). The Rural Buffer is expected to contain low density residential uses, agricultural uses exempt from zoning regulations, and low-intensity agricultural support uses¹ and consists of the following Joint Planning Area Land Use Plan categories: Rural Residential and Agricultural; Public-Private Open Space; Resource Conservation; New Hope Creek Corridor Open Space; Extractive Use; and the overlay category designated University Lake Watershed Area.

Rural Residential and Agricultural Areas are low-density areas consisting of single-family homes situated on large lots with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property. Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed so long as density limits for the entire subdivision are maintained. In that respect, Rural Residential Areas are identical to the definition of the Rural Buffer. The area includes property supporting farming operations, including forestry activities, established in accordance with the provisions of the North Carolina General Statutes.

Public-Private Open Space Areas include major land areas owned or controlled by public and private interests in the Rural Buffer. Such holdings as Duke Forest, Camp New Hope, U.S. Government lands associated with Jordan Lake, the 100-foot buffer along I-40, and Orange Water and Sewer Authority lands adjacent to University Lake and the quarry site on N.C. Highway 54 provide open space through research, educational, forest management, and recreational functions.

Resource Conservation Areas in the Rural Buffer are identical to those in the Transition Areas; i.e., floodplains, wetlands along drainage tributaries, and steep slope areas (15% or greater). The areas form the basis for a parks and open space system (see Strategy Map) which provided the framework within which other land uses are situated.

New Hope Creek Corridor Open Space Areas include some of the Resource Protection Areas and a portion of the Public/Private Open Space Areas which were designated as significant and worthy of protection according to the New Hope Corridor Open Space Master Plan completed in April of 1991. (See Master Plan Map following Strategy Maps). The areas are part of a system of open space in Durham and Orange Counties along New Hope Creek and its tributaries between Eno River State Park and U.S. Army Corps of Engineers land north and south of Jordan Lake. This category is made up of critical environmental areas such as stream beds, floodplains, steep slopes, and larger tracts of historic, educational, or recreational value.

Extractive Use Areas encompass mining and quarry operations. Only one such site exists in the Rural Buffer, the American Stone Company quarry on N.C. Highway 54 west of Carrboro.

Retail Trade Areas in the Rural Buffer include low intensity neighborhood centers which serve the immediate area and generate low traffic volumes. Only one such area is designated in the Rural Buffer – Blackwood station on N.C. Highway 86.

¹ The amendments necessary for Agricultural Support uses are shown in *italic and underlined text*.

PAGE 83 – JPA LAND USE PLAN

Text above the section proposed for amendment has been removed.

***Rural Residential and Agricultural¹**

*Amended
4/2/90

The Rural Residential category is a low-density area consisting of single-family homes situated on large lots with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property.

¹ The amendments necessary for Agricultural Support uses are shown in *italic and underlined text*.

PAGE 84 – JPA LAND USE PLAN

Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed to as long as density limits for the entire subdivision are maintained. The Rural Residential designation is identical to the Rural Buffer category contained in the current Orange County Land Use Plan. The Rural Buffer category is described in the Plan as land adjacent to an Urban or Transition area which is rural in character and which should remain rural; contain very low- density residential uses, agricultural uses exempt from zoning regulations, and low-intensity agricultural support uses; and not require urban services (water and sewer) during the Plan period.

Agricultural areas existing within Transition Areas are expected to change from rural to urban uses as Chapel Hill and Carrboro continue to grow and as public water and sewer services are expanded. Agricultural areas are located principally in University Lake Watershed but are also prominent along the northern perimeter of the Planning Area boundary. As development occurs in these areas, it will be of very low-density in nature and will generally consist of farm dwelling and outbuildings in support of agricultural operations.

To the north of Chapel Hill and Carrboro in the New Hope Creek drainage basin, low-density residential development has taken place along Whitfield Road, Sunrise Road and Erwin Road. Residential developments similar to Sedgefield, Stoneridge, Oak Hills, Birchwood Lake Estates and Falls of the New Hope are expected to continue, relying on wells and septic tanks for water supply and sewer disposal.

To the west of Carrboro, Rural Residential development is also expected in University Lake Watershed. However, only low-density residential and agricultural uses are anticipated. Development will continue to rely on wells and septic tanks for water supply and sewage disposal.

The remaining area designated for Rural Residential and Agricultural development is the Southern Triangle area in the extreme southeastern portion of the County. The area drains to the southeast toward Jordan Lake and is beyond the ridge line of the Morgan Creek basin, an area which can be served by gravity sewer lines. The Southern Triangle is also characterized by environmental constraints such as steep slopes, flood plains and soils with poor stability, so low-density development is projected.

There are approximately 9,260 acres of land designated for Rural Residential and Agricultural purposes in the Land Use Plan. If developed at an average density of one dwelling unit per two acres with 15% of the area subtracted out for streets and roads, the holding capacity of the area in terms of dwellings is 3,935. If multiplied by the 1980 Census figure for population per household (2.6), the estimated population would be 10,231.

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Page 3 of Joint Planning Agreement

agreement. However, it will only be changed as the Joint Planning Area Land Use Map is amended if the Map amendments change the location of either the CJDA or the CHJDA.

F. Joint Courtesy Review Area. A portion of the northern Rural Buffer Area bounded on the east by I-40 and shown as such on Exhibit A.

G. Rural Buffer. That portion of the Joint Planning Area designated on the Joint Planning

Area Land Use Map as such and designated in the Joint Planning Area Land Use Plan as Rural Residential and Agricultural, Public/Private Open Space, Resource Conservation, Extractive/Disposal Use and the overlay district designated University Lake Watershed Area. This area is further defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres, unless the cluster subdivision option is used and density limits are maintained. The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition area, is rural in character and which will remain rural, contain low-density residential uses, agricultural uses exempt from zoning regulations, and low-intensity agricultural support uses and not require urban services (public utilities and other town services). Agricultural support uses are those designated in the County's Unified Development ordinance as allowable in the RB (Rural Buffer) general use zoning district or those permitted through the ASE-CZ conditional zoning district.

The amendments necessary for Agricultural Support uses are shown in italic and underlined text.

H. Transition Area. That portion of the Joint Planning Area designated on the Joint Planning Area Land Use Map as such. This area is further defined as being in

- C. Orange County shall notify the respective towns and the towns shall notify Orange County as soon as practicable thereafter of any such claim, action or proceeding.

Section 2.6 Text and Map Amendments

- A. Proposed amendments to the Joint Planning Area Land Use Plan and/or the Joint Planning Area Land Use Map may be initiated by (i) Orange County or (ii) the Towns or any other party by filing a request for such an amendment with Orange County. Any petition or request to amend the Joint Planning Area Land Use Plan received by the County shall be referred to the respective Towns. No such amendment may become effective until after it has been adopted by Orange County, Chapel Hill and Carrboro following a joint public hearing by all three governing bodies.
- B. Except as provided herein, proposed amendments to the text of the Orange County ~~Zoning and Subdivision Ordinances~~ Unified Development Ordinance³ that are applicable within the Rural Buffer as well as proposed changes in zoning district classifications (i.e., zoning map changes) that affect property within the Rural Buffer shall be initiated and adopted in accordance with the procedures set forth in those County ordinances. All such proposals that affect the CHJDA shall be referred to Chapel Hill for review and recommendation, and all such proposed amendments that affect the CJDA shall be referred to Carrboro for review and recommendation. Orange County may not adopt such proposed amendments until the respective Towns have made their recommendations, or until the expiration of thirty (30) days following such referral, whichever occurs first.

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³ Since the County now uses a Unified Development Ordinance, the language in this section should be changed to reflect the current name of the County's land use regulations.

2014, Orange County shall not materially change the text of its Unified Development Ordinance, as it pertains to the Rural Buffer, unless the amendment is heard at a joint public hearing and adopted by Orange County, Chapel Hill, and Carrboro. Examples of material changes, in this case, are adding or deleting uses to/from the Table of Permitted Uses and/or adding, deleting, or changing the use-specific standards in Article 5 of the Unified Development Ordinance.⁴

- C. Whenever Chapel Hill proposes to amend the text of its Land Development Ordinance, and whenever Carrboro proposes to amend the text of its Land Use Ordinance, the respective towns shall deliver a copy of the full text of the proposed amendment to Orange County not later than thirty (30) days before the date of the public hearing on any such amendment. However, with the written consent of the Orange County Manager or his designate, this thirty (30) day period may be reduced to not less than ten (10) days. Unless Orange County files with the respective towns a written objection on or before the date of the public hearing on the proposed ordinance amendment, then adoption of the amendment by the respective town shall automatically effect a corresponding amendment to the applicable ordinance adopted by reference by Orange County as provided in Section 2.1C. Any such objection shall be based on a determination by Orange County that the proposed amendment is inconsistent with the adopted Joint Planning Area Land Use Plan. If a town adopts an amendment despite Orange County's objection, then it shall refer such amendment to Orange County with a request that the County make corresponding changes as expeditiously as reasonably possible so that the town may continue to enforce within its

⁴ This text is proposed to be added to address concerns that Orange County could significantly change its Unified Development Ordinance after the Towns of Carrboro and Chapel Hill approve amendments to the Joint Planning documents and those changes would be subject only to a staff-level review by Town staff.

MOTION WAS MADE BY ALDERMAN SLADE SECONDED BY ALDERMAN HAVEN-O'DONNELL TO HAVE COUNTY STAFF 1) ADD LANGUAGE TO THE STANDARDS SECTION FOR "WINERY WITH MINOR EVENTS" AND "MICROBREWERY WITH MINOR EVENTS" SIMILAR TO LANGUAGE WHICH ALREADY EXISTS FOR "MICROBREWERY PRODUCTION ONLY" WHICH ENSURES THEY ARE LIMITED TO BEING LOCATED ONLY ON BONA FIDE FARMS AND 2) FOR COUNTY STAFF TO ADD LANGUAGE TO THE STANDARDS SECTION FOR "COLD STORAGE FACILITY" AND "FEED MILL" SIMILAR TO LANGUAGE THAT ALREADY EXISTS FOR "AGRICULTURAL PROCESSING FACILITY, COMMUNITY" WHICH CONDITIONS, WHEN IN THE RURAL BUFFER, THAT THE USE IS FOR LOCAL COOPERATIVE FARM PARTNERS ONLY. THE MOTION FAILED BY THE FOLLOWING VOTE: AYE: HAVEN-O'DONNELL AND SLADE, NAY: SEILS, CHANEY, JOHNSON, LAVELLE, GIST

PRESENTATION FROM THE NC METRO MAYORS EXECUTIVE DIRECTOR AND BOARD DISCUSSION OF LEGISLATIVE ISSUES FOR THE 2015 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY

The purpose of this item was to hear a presentation from Julie White, the Executive Director of the NC Metro Mayors Coalition and to request that the Board of Aldermen discuss legislative issues to present to our local delegation at the breakfast. The delegation may be able to pursue some of the issues presented during the upcoming session of the NC General Assembly.

Julie White, Executive Director of the NC Metro Mayors Coalition, presented the legislative goals of the Coalition to the Board.

Alderman Slade asked for a response from Rep. Price regarding the Trans-Pacific Partnership resolution passed by the Board. He also asked for the attorney to check on the housing code proposed legislation from last year.

Alderman Chaney asked for affordable housing financing strategies to be discussed along with the protection of roads from damage due to truck routes related to fracking. She also requested that the Town support historic tax credits and low-income tax credits. Alderman Chaney asked that the Board ask for the delegation's perception on the University System and current changes.

Alderman Gist asked that the Board discuss HB 150 with the delegates.

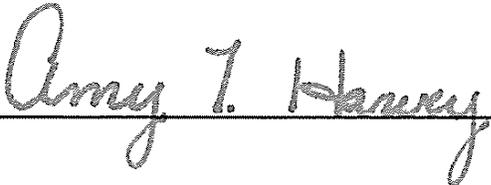
Mayor Lavelle asked that the Board discuss the proposed bill for religious freedoms and its anti-GLBT platform. She also asked that the delegation take a look at the way vacancies on the Court of Appeals are filled.

Alderman Seils asked that municipal rental inspection and registration programs be discussed along with strengthening of gun control in parks and schools. He asked that the Charter amendment to add sexual orientation, gender identity and gender expression to the list of bases upon which the Board may prohibit housing discrimination be pursued again during this session.

DISCUSSION ON USE OF TOWN OWNED PROPERTY LOCATED 110 EAST MAIN

I, Amy T. Harvey, Acting Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of (2015-03-09/R-4) adopted by the Chapel Hill Town Council on March 9, 2015.

This the 10th day of March, 2015.



**Amy T. Harvey
Acting Town Clerk**



RESOLUTION**A RESOLUTION APPROVING AMENDING THE JOINT PLANNING LAND USE PLAN AND JOINT PLANNING AGREEMENT MODIFYING LANGUAGE TO ENSURE AGRICULTURAL ACTIVITIES ARE ALLOWED THROUGHOUT THE RURAL BUFFER (2015-03-09/R-4)**

WHEREAS, Orange County, the Town of Chapel Hill, and the Town of Carrboro have engaged in a cooperative planning effort for the area known as the Rural Buffer as detailed within a Joint Planning Land Use Plan (hereafter 'the Plan'), adopted October 13, 1986, and amended from time to time; and

WHEREAS, the administration of this Joint Planning Land Use Plan is laid out within the Joint Planning Agreement (hereafter 'Agreement'), originally adopted on September 22, 1987, and amended from time to time; and

WHEREAS, Orange County initiated amendments to the Plan and Agreement seeking to ensure agricultural activities are allowed throughout the area; and

WHEREAS, these amendments to the Plan and Agreement are necessary to ensure consistency with the County's existing land use management program; and

WHEREAS, a joint public hearing regarding the proposed Joint Planning Land Use Plan and Agreement amendments was held on November 19, 2014 and March 27, 2014, in accordance with the requirements of the Joint Planning Agreement.

NOW, THEREFORE, the Town Council hereby resolves that the Joint Planning Land Use Plan and Agreement be amended as shown on the attached pages labeled Attachment A-4 through A-9.

BE IT FURTHER RESOLVED that the Town Council recommends approval of all but four (i.e., Agricultural Processing Facility, Microbrewery with Major Events, Winery with Major Events, and Assembly Facility Greater than 300 Occupants) of the proposed agricultural support uses contained in the draft ordinance modifying the Orange County Unified Development Ordinance that may only be enacted after the amendments to the Joint Planning Land Use Plan and Joint Planning Agreement have been approved. The Town Council's approval is predicated on the removal of these uses.

BE IT FURTHER RESOLVED that the Town Council recommends that the Agricultural Preservation Board, the County's appointed agricultural advisory board, be given the opportunity to comment on rezoning and land use permits related to Agricultural Support Enterprises (ASE) in the Rural Buffer.

BE IT FURTHER RESOLVED that the Town Council recommends that reuse of existing farm buildings, especially those 50 years or older, into new agricultural support enterprises be encouraged by including in the draft ordinance provisions a mechanism for reducing or waiving

the 100-foot property line setback requirements that would otherwise apply to such new enterprises.

BE IT FURTHER RESOLVED that the Town Council requests that an update on Agricultural Support Enterprises be provided annually at a joint public meeting of the parties to the Joint Planning Agreement.

BE IT FURTHER RESOLVED that Vet Clinics and Hospital Uses are preferred for only large animal care.

BE IT FURTHER RESOLVED that the amendments to the Joint Planning Land Use Plan and the Joint Planning Agreement described above and indicated on the attached pages shall become effective upon adoption by the governing bodies of Orange County, Chapel Hill, and Carrboro.

This the 9th day of March, 2015.

PAGE 60-a – JPA LAND USE PLAN

The Rural Buffer is defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres. The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition Area, is rural in character and which will remain rural and not require urban services (public utilities and other Town services). The Rural Buffer is expected to contain low density residential uses, agricultural uses exempt from zoning regulations, and low-intensity agricultural support uses¹ and consists of the following Joint Planning Area Land Use Plan categories: Rural Residential and Agricultural; Public-Private Open Space; Resource Conservation; New Hope Creek Corridor Open Space; Extractive Use; and the overlay category designated University Lake Watershed Area.

Rural Residential and Agricultural Areas are low-density areas consisting of single-family homes situated on large lots with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property. Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed so long as density limits for the entire subdivision are maintained. In that respect, Rural Residential Areas are identical to the definition of the Rural Buffer. The area includes property supporting farming operations, including forestry activities, established in accordance with the provisions of the North Carolina General Statutes.

Public-Private Open Space Areas include major land areas owned or controlled by public and private interests in the Rural Buffer. Such holdings as Duke Forest, Camp New Hope, U.S. Government lands associated with Jordan Lake, the 100-foot buffer along I-40, and Orange Water and Sewer Authority lands adjacent to University Lake and the quarry site on N.C. Highway 54 provide open space through research, educational, forest management, and recreational functions.

Resource Conservation Areas in the Rural Buffer are identical to those in the Transition Areas; i.e., floodplains, wetlands along drainage tributaries, and steep slope areas (15% or greater). The areas form the basis for a parks and open space system (see Strategy Map) which provided the framework within which other land uses are situated.

New Hope Creek Corridor Open Space Areas include some of the Resource Protection Areas and a portion of the Public/Private Open Space Areas which were designated as significant and worthy of protection according to the New Hope Corridor Open Space Master Plan completed in April of 1991. (See Master Plan Map following Strategy Maps). The areas are part of a system of open space in Durham and Orange Counties along New Hope Creek and its tributaries between Eno River State Park and U.S. Army Corps of Engineers land north and south of Jordan Lake. This category is made up of critical environmental areas such as stream beds, floodplains, steep slopes, and larger tracts of historic, educational, or recreational value.

Extractive Use Areas encompass mining and quarry operations. Only one such site exists in the Rural Buffer, the American Stone Company quarry on N.C. Highway 54 west of Carrboro.

Retail Trade Areas in the Rural Buffer include low intensity neighborhood centers which serve the immediate area and generate low traffic volumes. Only one such area is designated in the Rural Buffer – Blackwood station on N.C. Highway 86.

¹ The amendments necessary for Agricultural Support uses are shown in *italic and underlined text*.

PAGE 83 – JPA LAND USE PLAN

Text above the section proposed for amendment has been removed.

***Rural Residential and Agricultural¹**

*Amended
4/2/90

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PAGE 84 – JPA LAND USE PLAN

Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed to as long as density limits for the entire subdivision are maintained. The Rural Residential designation is identical to the Rural Buffer category contained in the current Orange County Land Use Plan. The Rural Buffer category is described in the Plan as land adjacent to an Urban or Transition area which is rural in character and which should remain rural; contain very low- density residential uses, agricultural uses exempt from zoning regulations, and low-intensity agricultural support uses; and not require urban services (water and sewer) during the Plan period.

Agricultural areas existing within Transition Areas are expected to change from rural to urban uses as Chapel Hill and Carrboro continue to grow and as public water and sewer services are expanded. Agricultural areas are located principally in University Lake Watershed but are also prominent along the northern perimeter of the Planning Area boundary. As development occurs in these areas, it will be of very low-density in nature and will generally consist of farm dwelling and outbuildings in support of agricultural operations.

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